

CA4 ON HBL A05

C51P4
Sept 13/89 - Sept 27/89

URBAN/MUNICIPAL

PLANNING AND DEVELOPMENT
COMMITTEE
CITY OF HAMILTON

CA4 ON HBLAOS
CSIP4
1989



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THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 September 7th

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 September 13th
1:30 o'clock p.m.
Room 233, City Hall

URBAN MUNICIPAL
SEP 11 1989
GOVERNMENT DOCUMENTS

Susan K. Reeder.
Susan K. Reeder
Secretary

SKR:dbm

ZONING APPLICATIONS WILL BE HEARD IN THE COUNCIL CHAMBERS.

AN EVENING PUBLIC MEETING SESSION OF THE PLANNING AND DEVELOPMENT COMMITTEE WILL BE HELD AT 7:00 O'CLOCK P.M. IN THE CITY CLERK'S LOBBY TO DELIBERATE ON THE RECOMMENDATION OF THE TASK FORCE ON APARTMENT GARBAGE.

A G E N D A

DELEGATION

- (A) Robin St. Jean, Durand Development Corporation - Request for a Full Refund of Building Permit Fee, 251 King William Street "Broadway Cinema".
 - (a) Report - Building Commissioner. (Report to follow)
- 1. Minutes of the meeting held Wednesday, 1989 July 12th; Tuesday, 1989 August 14th and Tuesday, 1989 August 29th.

BUILDING COMMISSIONER

- 2. Demolition Permit Applications.
- 3. Cleanup of Property - 313 Wentworth Street North.
- 4. Removal of inoperative vehicles - 31 South Street.
- 5. Cleanup of Property - 111 Cope Street.

I

DIRECTOR OF COMMUNITY DEVELOPMENT

6. Designated Property Grant - 111 St. Clair Avenue.
7. Ontario Home Renewal Programme grant/loan - 337 East 27th Street.

DIRECTOR OF PROPERTY

8. Sale by the City - Lot 18, Plan M-227, 140 Nebo Road, Hamilton Mountain Industrial Park #1 to Allan Michaels Electric Ltd.

COMMISSIONER OF ENGINEERING

9. Grading in Single Family House Lots.

DIRECTOR OF LOCAL PLANNING

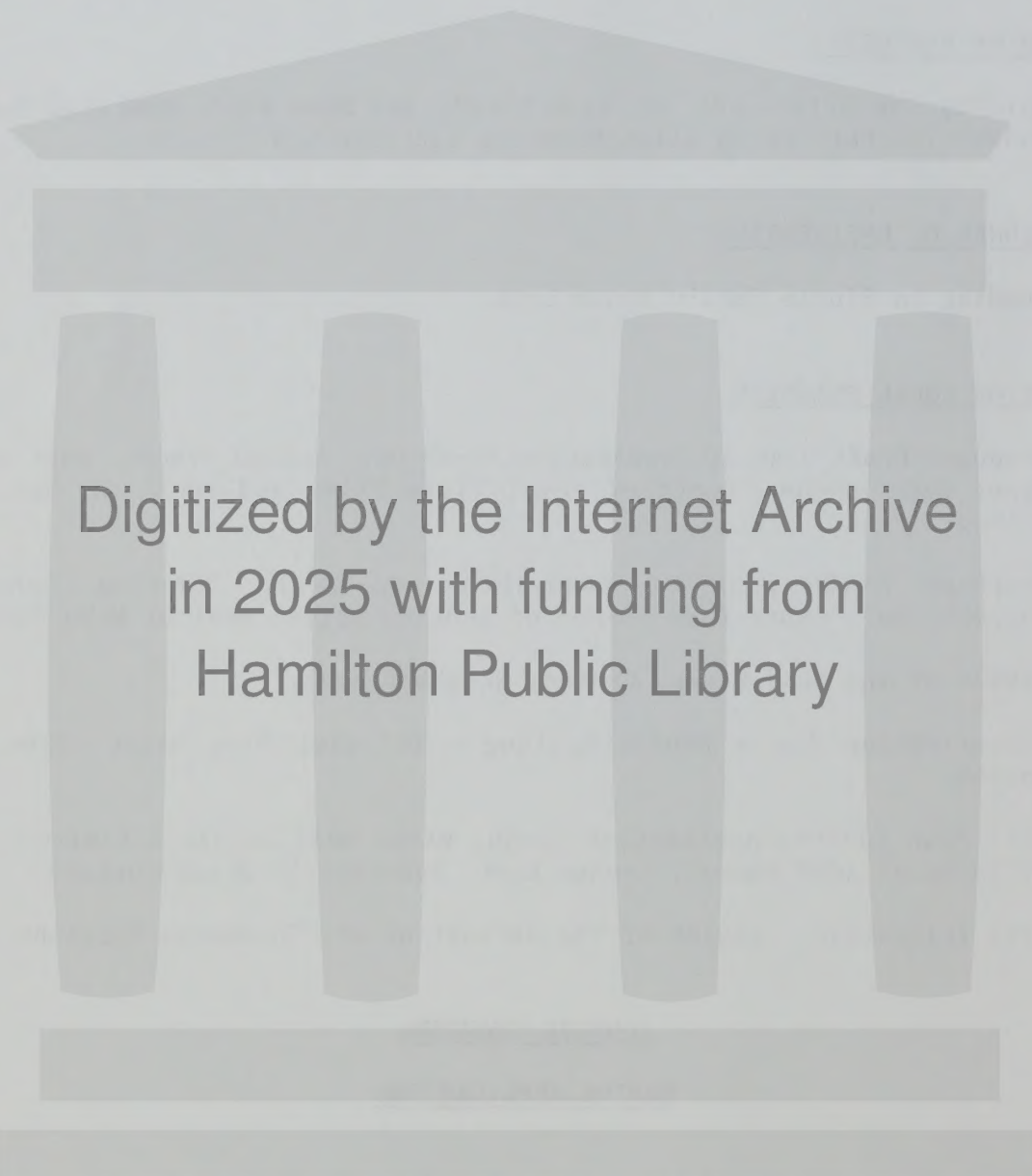
10. Proposed Draft Plan of Condominium SA-89-08, "Annina Place", east side of Upper Gage Avenue, north of Royal Vista Drive and south of Anna Capri Drive.
11. Proposed Draft Plan of Condominium SA-89-11, "Lancing Industrial Corporation", south-east corner of Lancing Drive, west of Nebo Road.
12. Review of the Hess Block, Central Neighbourhood.
13. Authorization for a Public Meeting - Official Plan Major (Five Year) Review.
14. Site Plan Control Application 88-30, River Dell Holdings Limited, owner of lands at 1007 Fennell Avenue East, Sunninghill Neighbourhood.
15. City Initiative - review of the definition of "Townhouse Dwelling".

COUNCIL CHAMBERS

ZONING APPLICATIONS

3:00 o'clock p.m.

16. Zoning Application 89-45, 603815 Ontario Inc., owner, for a further modification to the "C" District regulations for property at 1492 Upper James Street; Mewburn Neighbourhood.



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17. Zoning Application 89-48, A. J. Boiago, owner, for a change in zoning from "AA" to "R-4" for property at the rear of 1285 Upper Gage; Quinndale Neighbourhood.

3:15 o'clock p.m.

18. Zoning Application 89-46, Bold-Duke Properties Inc., owner, for a change in zoning from "L-mr-1", modified to "RT-20" for properties at 1073, 1081 and 1085 Rymal Road East; Templemead Neighbourhood.
19. Zoning Application 89-73, 52 James Street South Limited, owner, for a modification to the "H1" District regulations for property at 17 Main Street West; Durand Neighbourhood. (Report to follow)

(a) Submission - Edmund Shaker, 1 King Street West, Ste. 1500.

3:30 o'clock p.m.

20. Zoning Application 89-47, Hope Haven Rehabilitation Centre, prospective owner, for a modification to the "D" District regulations for property at 992 Montclair Avenue; Delta West Neighbourhood.

(a) Submission - Mr. & Mrs. Gallagher, 181 Balmoral Avenue South.

21. Zoning Application 89-51, K. M. Ward, owner, for a modification to the "D" District regulations for property at 153 George Street; Strathcona Neighbourhood.

3:45 o'clock p.m.

22. Zoning Application 89-74, Griffin Development Corporation, prospective owner, for a change in zoning from "AA" and "C" to "DE-3" for properties at 197 and 211 Stone Church Road East; Jerome Neighbourhood.

4:30 o'clock p.m.

23. Gateway East Study (Centennial Parkway from Confederation Park to Queenston Road). (P5-4-35)

24. Other Business.

25. Adjournment.

Robin St. Jean
Durand Dev. Corp.,
43 West 27th St.,
HAMILTON, Ont.
L9C 4Z8

August 17, 1989

Mrs. Susan Reader,
Secretary,
Planning & Development Committee
City Hall
City of Hamilton

A.

Dear Mrs. Reader:

FULL REFUND OF PERMIT FEES

RE: Building Permit BZ060653
issued to date January 18th, 1989
251 King William, Hamilton, Ont.
"Broadway Cinema" - \$2,941.00

Further to our telephone conversation on the 15th of August, 1989, I am hereby writing to you to request to be placed on the agenda before the Planning and Development Committee on September 13, 1989.

Since I purchased the above cinema last December, patrons of the Broadway, as well as City Alderman, the Mayor, etc., showed great concern over the possibility of this cinema being shut down. I received approval to convert the building to an apartment complex. Since the purchase of the cinema, I had numerous calls from concerned citizens and members of council asking me to reconsider the conversion which I had approval for and work out an agreement with the operator of the theatre to either extend the lease or sell the building to the Broadway group.

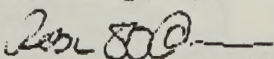
After extensive media coverage, hate mail being sent to my home, numerous telephone calls to my office, I decided the conversion was perhaps not worth the bother and agreed to accept an offer from John Zemitis to buy the building from me. The closing date for this transaction is August 24, 1989.

I feel I have made a contribution to our community by being flexible enough to sell this cinema to John Zemitis at an under market value based on my appraisers opinion and feel I should not have to be penalized by receiving only 35% of my building permit fee paid.

I am therefore requesting an amendment to the Bylaw 85-86 Schedule B under the building code to allow me full refund under the circumstances.

Your consideration in this is greatly appreciated.

Yours truly,


Robin St. Jean
Durand Development Corporation
RSJ:jf

08/17/89

16:38

416 521 0717

REMAX ADVANTAGE

004

PERMIT

Commercial-Residential

251

King William St.

23

North

Wellington

AND Ferguson

Durand Development Corp.

43 West 27th St.

Hamilton

Owner: 7

Radojewski Architect

249 East Ave. N.

Hamilton

SCOPE OF WORK: Converting existing building to residential and commercial complex as per permit plans and Ontario Building Code.

5570.4 2.941.00 = \$1.029.35

71506

TAG NO.

PLAN No. K-100-88

OCCUPANCY CLASSIFICATION

- ☐ GROUP A ASSEMBLY
☐ GROUP B BUSINESS AND PERSONAL SERVICE
☐ GROUP C RESIDENTIAL
☐ GROUP D BUSINESS AND PERSONAL SERVICE
☒ GROUP E MERCANTILE
☐ GROUP F INDUSTRIAL
☐ GROUP G INSTITUTIONAL
☐ DIVISION 1
☐ DIVISION 2
☐ DIVISION 3

REFERENCE ONTARIO BUILDING CODE

CONSTRUCTION TYPE

- ☒ COMBUSTIBLE
☒ NON-COMBUSTIBLE
☒ PART 3
☒ PART 3

ZONING DISTRICT

H

MAP No.

E4

REQUIRED YARDS

F.Y.

R.Y.

S.Y.

ESTIMATED COST

325,000.00

2,941.00

3930-Hwy. 22/88

ISSUED TO

Radojewski Architect,
249 East Ave. N.,
Hamilton, Ontario,
L8L 5J4

ISSUED BY

W. Wong/lc

DATE

January 18, 1989

Wednesday, 1989 July 12
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman M. Kiss
Alderman W. McCulloch
Alderman B. Hinkley
Alderman H. Merling
Alderman D. Christopherson
Alderman D. Ross,

Regrets: Mayor Robert M. Morrow - Civic Business

Also present: Alderman J. Gallagher
Alderman G. Copps
Alderman D. Agostino
Alderman T. Murray
Mr. L. Sage, Chief Administrative Officer
Mr. V. Abraham, Director of Local Planning
Mr. J. Johnston, Commissioner of Human Resources
Mr. M. Watson, Manager, Real Estate Division,
Property Department
Mr. P. Lampman, Building Department
Mr. D. Godley, Planning Department
Mr. L. Harvey, Building Department
Mr. B. Allick, Building Department
Mr. J. McNeilly, Community Development Department
Mrs. N. Chapple, Planning Department (L.A.C.A.C.)
Ms. L. Lawrence, City Solicitor's Office
Ms. A. Gillispie, Planning Department (L.A.C.A.C.)
Mr. J. Sakala, Planning Department
Mr. K. Brenner, Regional Engineering Department
Mr. J. Thoms, Commissioner of Planning and
Development
Mr. J. Schwarz, Regional Planning Department
Mr. H. Yeghouchian, Planning Department
Mrs. W. Grivea, Traffic Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Tuesday, 1989 June 20 and **APPROVED** these minutes.

The Committee was in receipt of a report from the Chief Administrative Officer dated 1989 July 6, respecting the Review of Functions of the City Building Department.

Some discussion ensued on the authority given to the Chief Administrative Officer with respect to coming forward with this report and this particular matter was **TABLED** until later in the meeting, in order that the Secretary could obtain the minute book to determine the authorization meeting.

The Committee was in receipt of a report from the Building Commissioner dated 1989 July 5, respecting Demolition Permit Applications. The Committee **APPROVED** the following:

That the Building Commissioner **BE AUTHORIZED** to issue demolition permits for the following properties:

- (a) 62 East Bend North
- (b) 1526 Upper Gage Avenue
- (c) 1532 Upper Gage Avenue
- (d) 270 Victoria Avenue North
- (e) 72 Limeridge Road East

Minutes - 1989 June 20.

Review of functions
of the Building
Department.

Demolition Permit
Applications.

Unsafe Building -
87-89 Peter Street.

The Committee was in receipt of a report from the Building Commissioner dated 1989 July 5, respecting 87-89 Peter Street.

The Committee APPROVED the following:

- (a) That the Building Commissioner BE DIRECTED to enforce an Order regarding an unsafe condition dated 1989 June 12 requiring the demolition of the two attached single family dwellings at 87-89 Peter Street; and,
- (b) That the City Solicitor BE AUTHORIZED to prepare a by-law for the demolition of this property.

NOTE: The cost of the demolition, together with administration costs of both the Real Estate Department and the Building Department will be added to the tax roll, to be collected in a like manner as municipal taxes.

Clean-up of Yard -
144 Beach Road.

The Committee was in receipt of a report from the Building Commissioner dated 1989 July 5, respecting 144 Beach Road.

Alderman Hinkley spoke to the Committee on this matter. He also made reference to and submitted a petition from the neighbours which was given to him respecting the condition of this particular property.

Mr. B. Allick of the Building Department also spoke to this matter.

The Committee then APPROVED the following:

- (a) That the Building Commissioner BE AUTHORIZED to clear the property at 144 Beach Road of all debris and garbage in accordance with By-law 74-74; and,
- (b) That the City Solicitor BE AUTHORIZED to prepare a By-law for the cleanup of the rear yard at 144 Beach Road, Hamilton.

NOTE: The cost of the clearing of the debris will be added to the tax roll to be collected in like manner as municipal taxes. It is estimated that the cost of this clean up will be approximately \$3,000. plus administration costs.

Appointment of
Inspectors under
the Building Code Act.

The Committee was in receipt of a report from the Building Commissioner dated 1989 June 30, respecting Appointment of Inspectors under the Building Code Act.

The Committee APPROVED the following:

That the City Solicitor BE AUTHORIZED to amend By-law 87-312 as follows:

- (a) Section 9(a) be amended by ADDING the following names:
 - i) John Lane
 - ii) Galy Daly
- (b) That Section 9(a) be further amended by DELETING the name:
 - i) William Baxter
- (c) That Section 1(a) be amended by DELETING the name:
 - i) Paul Kuppe
- (d) That Section 1(a) be further amended by ADDING the name:
 - i) Len King

(e) That Section 2(a) be amended by DELETING the name:

i) Len King

(f) That Section 3 be amended by REPLACING "Section 2" with "Section 6".

(g) That By-law 89-184 be REPEALED.

NOTE: Due to recent changes in the staff of the Building Department, By-law 87-312 respecting the Appointment of Inspectors needs to be amended to accommodate these changes.

The Committee was in receipt of a report from the Director of Community Development dated 1989 June 28, respecting Applications under the Ontario Home Renewal Programme.

Ontario Home
Renewal Programme
Applications.

The Committee APPROVED the following:

That the Director of Community Development BE AUTHORIZED to process the following grant/loan(s) in the amounts not to exceed \$7,500.:

- (a) Ingeborg Morgan
185 McAnulty Boulevard
- (b) Doris Robertson
477 Concession Street
- (c) Janis Berzins
23 Elgar Avenue
- (d) Charles and Yvonne McGinlay
36 Nicklaus Drive

NOTE: The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.)

The Committee was in receipt of a report from the Director of Community Development dated 1989 June 29, respecting an Application under the Commercial Facade Loan Programme.

Commercial Facade
Loan Programme
Applications.

The Committee APPROVED the following:

That a repayable Commercial Facade Programme loan, in the amount of forty-three thousand, nine hundred and fifty-seven dollars (\$43,957.) BE APPROVED for 123-127 James Street North, Salgado-Kim Holdings Inc. (c/o Philip Salgado) at an interest rate of 6-1/2 percent, amortized over 10 years.

The Committee was in receipt of a report from the Manager of Purchasing dated 1989 June 13, respecting the Supply and Installation of Playstructures at Crown Point West/Stipeley Neighbourhood.

Supply & Installation
of Playstructures -
Crown Point West /
Stipeley
Neighbourhood.

The Committee APPROVED the following:

That a purchase order BE ISSUED to Belair Recreation Products Inc., Brantford, in the amount of \$10,995. plus applicable taxes, for the supply and installation of Playstructures in the Crown Point West/Stipeley Neighbourhood, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of four (4) tenders received. Funds provided in Crown Point West/Stipeley Account #CF5698 428701203.

As this installation is to be completed prior to the end of the school year, the above as been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the Chief Administrative Officer and that any action taken under this provision to be reported to the next regular meeting of City Council".

Sale - North half
Part 1, all Part 5,
Plan 62R-8770,
Upper Ottawa Street
Mercanti Management
Inc.

The Committee was in receipt of a report from the Director of Property dated 1989 July 4, respecting Sale - North half Part 1, all Part 5, Plan 62R-8770, Upper Ottawa Street - Mercanti Management Inc.

The Committee APPROVED the following:

That an Offer to Purchase the lands of The Corporation of the City of Hamilton being composed of the north half of Part 1 and all of Part 5 on Plan 62R-8770 along the western limit of Upper Ottawa Street duly executed on 1989 June 20 by the Purchaser, Mercanti Management Inc. and scheduled to close on or before 1989 November 21, BE APPROVED AND COMPLETED.

NOTE: The purchase price is \$106,675. A deposit cheque in the amount of \$10,667. is being held by the City Treasurer pending Council approval.

The property is composed of Part of Lot 10 and Block 17 on Plan 62M-352, more particularly described as the north half of Part 1 and all of Part 5 on Plan 62R-8770 having a frontage along the western limit of Upper Ottawa Street of 45.72 metres (150 feet) more or less by a depth of 111.11 metres/110.756 metres (364.53 feet/363.37 feet) and containing an approximate area of 1.255 acres.

It is understood and agreed by the Purchaser that the subject lands have services available to it on Upper Ottawa Street; however, the Purchase acknowledges and agrees that there are no lateral connections of the sewer and water lines to the Purchaser's property line. The Purchaser is responsible at its sole cost to provide these sewer and water connections.

This transaction includes special building covenants, agreements and restrictions.

The purchase price is to be credited to Account RF-45001 25202 (Reserve for Property Purchases).

Sale - South part,
Part 1, Plan 62R-
8770, Upper Ottawa
Street - Paul
Giardini and
Rita Giardini.

The Committee was in receipt of a report from the Director of Property dated 1989 July 4, respecting Sale - South part, Part 1, Plan 62R-8770, Upper Ottawa Street - Paul Giardini and Rita Giardini.

The Committee APPROVED the following:

That an Offer to Purchase the lands of The Corporation of the City of Hamilton being composed of the south half of Part 1, Plan 62R-8770 along the western limit of Upper Ottawa Street duly executed on 1989 June 26 by the Purchaser, Paul Giardini and Rita Giardini and scheduled to close on or before 1989 September 21, BE APPROVED AND COMPLETED.

NOTE: The purchase price is \$106,675. A deposit cheque in the amount of \$10,667. is being held by the City Treasurer pending Council approval.

The property is composed of Part of Lot 10 on Plan 62M-352, more particularly described as the south half of Part 1, Plan 62R-8770 having a frontage along the western limit of Upper Ottawa Street of 45.72 metres (150 feet) more or less by a depth of 111.11 metres (364.53 feet) more or less and containing an approximate area of 1.255 acres.

It is understood and agreed by the Purchaser that the subject lands have services available to it on Upper Ottawa Street; however, the Purchaser acknowledges and agrees that there are no lateral connections of the sewer and water lines to the Purchaser's property line. The Purchaser is responsible at its sole cost to provide these sewer and water connections.

This transaction includes special building covenants, agreements and restrictions.

The purchase price is to be credited to Account RF-45001 25202 (Reserve for Property Purchases).

The Committee was in receipt of a report from the Director of Property dated 1989 June 7, respecting Municipal Assistance for Subdivision Development and Cost Recovery.

Municipal Assistance
for Subdivision
Development and
Cost Recovery.

The Committee APPROVED the following:

- (a) That municipal staff BE AUTHORIZED to obtain roads and servicing easements from third party owners to assist developers expedite Land Title Applications and the registration of plans of subdivision; and
- (b) That all costs associated with municipal participation be fully recovered from those developers requesting such assistance.

The Committee was in receipt of a report from the City Treasurer dated 1989 June 14, respecting Final Release of Holdback - McLean-Peister Limited.

Final Release of
Holdback - McLean-
Peister Limited.

The Committee APPROVED the following:

That total holdback in the amount of \$28,005.85 be released to McLean-Peister Limited., for the completion of Contract No. 31783, for the construction of Corktown-Stinson O.N.I.P., pending receipt by the Treasury of the Standard Release Forms from the Contractor and City Solicitor's Department.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee, dated 1989 July 4, respecting Designation of the Strathcona Firehall, 37 Strathcona Avenue North.

Designation -
Strathcona Firehall,
37 Strathcona North.

The Committee APPROVED the following:

- (a) That APPROVAL be given to the "Intent to Designate" the former Strathcona Firehall 1896 Building at 37 Strathcona Avenue North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983 as outlined in the Reasons for Designation attached herewith and marked APPENDIX "A"; and,
- (b) That the City Solicitor BE AUTHORIZED AND DIRECTED to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee, dated 1989 July 5, respecting Demolition Control By-law - 22 Peter Street.

Demolition Control
By-law - 22 Peter
Street.

The Committee APPROVED the following:

That the provisions of the Demolition Control By-law BE APPLIED to the property at 22 Peter Street.

NOTE: A listed property, 22 Peter Street is a second unit of a 4-unit brick row house built in 1885-6. The terrace, as a whole, has been evaluated by the Research Sub-Committee as worth of designation under the Ontario Heritage Act, 1983.

The Demolition Control By-law may be applied to any residential property in the City of Hamilton. This by-law may be invoked by City Council to delay the issuance of a demolition permit until a building permit has been issued to erect a new building on the site of the building to be demolished. A second condition on the issuance of a demolition permit which may be imposed under this by-law is that the applicant must construct and substantially complete the new building to be erected on the site within two (2) years or within a specified time of not less than two (2) years.

Demolition Control
By-law - 266-268
King Street East.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee, dated 1989 July 5, respecting Demolition Control By-law - 266-268 King Street East.

The Committee APPROVED the following:

That the provisions of the Demolition Control By-law BE APPLIED to the properties located at 266-268 King Street East.

NOTE: 266-268 King Street East are on the City's Inventory of Architecturally and/or Historically Significant Buildings.

The owner of these properties has submitted an application for a demolition permit. The owner has indicated that he plans to make application to demolish the adjacent St. Deny's apartment block at 270-280 King Street East and build a four-storey residential/commercial block. Both applications will, however, have to be approved by the Planning and Development Committee as the upper floors of 266-288 and 270-280 serve a residential use.

The "H" and "I" zoning in place along this section of King Street East, which respectively permits building heights of up to eight and thirty storeys, does not support the retention of the existing heritage building.

The Demolition Control By-law may be applied to any residential property in the City and may be invoked by Council to delay the issuance of a demolition permit until a building permit has been issued to erect a new building on the site of the building to be demolished. A second condition on the issuance of a demolition permit which may be imposed under this by-law is that the applicant must construct and substantially complete the new building within two (2) years or within a specified time of not less than two (2) years.

Heritage Permit -
111 St. Clair
Avenue.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee, dated 1989 July 4, respecting a Heritage Permit for property at 111 St. Clair Avenue.

The Committee APPROVED the following:

That a Heritage Permit Application BE APPROVED for the new garage to be erected at the rear of the house located at 111 St. Clair Avenue, located within the St. Clair Heritage District.

NOTE: Any alterations additions or new construction within a Heritage Conservation District requires Council approval.

Proposed demolition
of property at
53 Lake Avenue North

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee, dated 1989 July 4, respecting the Proposed Demolition of property at 53 Lake Avenue North.

The Committee questioned why L.A.C.A.C. is reviewing the merits of 53 Lake Avenue North now, when this entire matter has been discussed on numerous occasions by the Parks and Recreation Committee and the Co-ordinating Committee with respect to a possible Senior Citizen's Centre.

Following discussion on this matter, the Committee APPROVED the following:

That the following recommendation of the Local Architectural Conservation Advisory Committee NOT BE APPROVED:

That the proposed demolition of the City-owned house at 53 Lake Avenue North BE REFERRED to the Local Architectural Conservation Advisory Committee for review.

NOTE: Alderman McCulloch opposed.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee, dated 1989 July 4, respecting the Establishment of a Lister Block Staff Committee.

Establishment of a Lister Block Staff Committee.

The Committee APPROVED the following:

That the Planning and Development Committee support the Local Architectural Conservation Advisory Committee's request, that a staff committee consisting of representatives of the Planning, Economic Development, Community Development and Property Departments be established to meet with the Lister Block Action Committee to investigate possible uses of the Lister Block, and to develop re-use alternatives.

Alderman Hinkley requested that L.A.C.A.C. proceed with designating the Cathedral Boys High School and the Committee agreed that this matter BE UNDERTAKEN.

Designation - Cathedral Boys High School.

The Committee was in receipt of a letter from Barton Stone United Church, 21 Stone Road West, which was referred to the Planning and Development Committee by City Council at its meeting held Tuesday, 1989 June 27.

Correspondence referred by Council - Barton Stone United Church - Jerome Neighbourhood Plan and ZA 88-131.

It was clarified that City Council referred only this correspondence to the Planning and Development Committee and not the Jerome Neighbourhood Plan and Zoning Application 88-131, which was approved by City Council.

The Committee then agreed to RECEIVE this correspondence.

The Committee was in receipt of a report from the Central Area Plan Implementation Committee, dated 1989 June 16, respecting Municipal Information Management.

CAPIC - Municipal Information Management.

The Director of Local Planning indicated to the Committee that this Item should be WITHDRAWN at this time, as it was premature. The Committee AGREED to have this Item withdrawn from the Agenda.

The Committee was in receipt of a report from the Commissioner of Planning and Development, dated 1989 June 16, respecting Proposed Draft Plan of Condominium "Jilly Industrial Place".

Proposed Draft Plan of Condominium "Jilly Industrial Place".

The Committee APPROVED the following:

That APPROVAL be given to Proposed Draft Plan of Condominium Application SA-89-05, "Jilly Industrial Place", Toscani Developments Ltd., owner, to establish a draft plan of condominium located at the north side of Hempstead Drive, west of Nebo Road, subject to the following conditions:

- (a) That this approval apply to the plan prepared by A. T. McLaren Ltd., dated 1989 March 6.

- (b) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Authorization for
a Public Meeting -
Albion Falls
Neighbourhood Plan
Amendment.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 6, respecting Authorization for a Public Meeting -Albion Falls Neighbourhood Plan Amendment.

The Committee APPROVED the following:

That the Planning and Development Committee direct staff to hold a public meeting, in conjunction with a public meeting with the Red Hill Creek Master Plan, to discuss an amendment of the Albion Falls Neighbourhood Plan, dealing with the extension of Kingsview Drive across the proposed Mountain Freeway as a roadway and/or Pedestrian Bridge.

Site Plan Control
Application DA89-24
- 849 Upper
Wentworth.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 7, respecting Site Plan Control Application DA-89-24, for property at 849 Upper Wentworth Street.

Mr. J. Sakala of the Planning Department indicated that Section (c) of the recommendation should be amended to change 164 spaces to 161 spaces. The Committee held a considerable amount of discussion on this item and there was a motion from Alderman Merling, seconded by Alderman Lombardo to TABLE Section (c) of the recommendation. MOTION LOST.

The Committee then APPROVED the following:

That approval be given to Site Plan Control Application DA-89-69 by Upper Wentworth Medical Centre Holdings Ltd., owner of the lands at 849 Upper Wentworth Street, to amend the approved plans of Site Plan Control Application DA-89-24 to include a fourth floor for medical office complex, subject to the following:

- (a) modification to the plan related dimensions and notes as marked in red on the plans;
- (b) approval by the Committee of Adjustment for the variance to delete the required one loading space and reduce the length of one loading space from 18.0m to 9.0m; and,
- (c) provision that the shortfall in the required parking from 191 to 161 spaces be finalized through the Cash-in-Lieu policy.

Following a great deal of discussion on the above matter by the Committee, the Secretary of the Planning and Development Committee was directed to write to the Secretary of the Committee of Adjustment for a report on how many applications that have been considered by the Committee of Adjustment for approximately the last several years, have accepted or recommended Cash-in-lieu of Parking Requirements. The Secretary was further directed that this report should be on the next meeting Agenda of the Planning and Development Committee.

The Committee also directed that the Director of Local Planning advise the Planning and Development Committee on the actions taken by the Committee of Adjustment with respect to this particular Site Plan Control Application.

Functions of the
Building Department.

The Committee then referred back to Item 2 of their Agenda, respecting the review of the Functions of the Building Department.

The Secretary read the following extracts from the minutes of the Planning and Development Committee held Wednesday, 1989 February 22 as follows:

Some discussion ensued on the requirement of a comprehensive review of the functions of the Building Department to be undertaken, and it was agreed that this matter be placed on the next agenda of the Committee for further discussion.

The Secretary also read the following extract from the minutes of the Planning and Development Committee held Wednesday, 1989 March 15:

The Committee discussed a matter of reviewing the functions of the Building Department which had been generally discussed during budget deliberations.

The Chief Administrative Officer spoke briefly to this item, and indicated some of the areas that he sees changes being made.

Following discussion on this matter by the Committee, it was APPROVED:

That the Chief Administrative Officer report back to the Planning and Development Committee on the process to be used in reviewing a possible restructuring of the City's Building Department.

Alderman Christopherson spoke on this item and indicated that he saw the Committee request as a directive for more specific details on a review, rather than blanket approval for staff to do the review and forward the recommendations to the Co-Ordinating Committee.

He further added that he sees the review looking at the function of the Building Department in liaison with the Licensing Department. Alderman Christopherson and Alderman Hinkley also spoke on One Stop Permit Shopping for members of the Public and that all the other aspects should be handled administratively rather than making the applicant follow through the various department's procedures.

Alderman Merling spoke to the Committee and indicated that he sees a need to have the representatives from the Building Department, Licensing Department to speak at the next meeting to outline the functions of each department. Mr. Lampman of the Building Department further added that there seems to be a need for understanding the process.

The Committee then agreed to TABLE this matter for a few meetings.

The Committee then moved to the City Council Chambers to hear Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 June 22, respecting Zoning Application 89-37, for property in the area north of Rymal Road East and east of Upper Wellington Street.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-37, 428680 Ontario Limited, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located in the area north of Rymal Road East and east of Upper Wellington Street, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-180 for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Zoning Applications.

ZA 89-37 - north of Rymal Road East, and east of Upper Wellington.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located in the area north of Rymal Road East and east of Upper Wellington Street.

The effect of the By-law is to permit the use of this triangular piece of land in conjunction with adjacent land, for single-family detached dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 5, respecting Zoning Application 89-27, for property at 266 Limeridge Road East.

The Committee was in receipt of a letter of submission from Mrs. Shirley Morley, 8 Flamingo Drive which the Secretary read to the Committee.

The Committee was in receipt of a letter of submission from Ammendolia Real Estate Limited/Realtor.

The Committee was in receipt of a letter of submission from Mrs. Ann McLeod, 32 Skylark Drive.

The owner for the property was in attendance at the meeting and distributed an architectural plan for the development. He indicated that the buildings are two and a half storey, not three storey and that these are rental units not townhouses. He also added that the Province is urging developers to provide more rental units which these will address.

The Director of Local Planning advised the Committee that this particular development would come under Site Plan Control.

The Committee then APPROVED the following:

That APPROVAL be given to Zoning Application 89-27, Agommen Ltd., In Trust, prospective owner, for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, for property located at 266 Limeridge Road East, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
- (b) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding the provisions of Section 10C(3)(ii)(b) of Zoning By-law No. 6593, a side yard having a width of not less than 4.41m from the easterly and westerly lot lines shall be provided and maintained.
 - (ii) That notwithstanding the provisions of Section 18A(1)(c), one loading space (9.0m x 3.7m x 4.3m) shall be provided and maintained for the two multiple dwellings.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1133, and that the subject lands on Zoning District Maps E-18A and E-18B be notated S-1133;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18A and E-18B for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

ZA 89-27 -
266 Limeridge Road
East.

- (f) That the Bruleville Neighbourhood Plan be amended by redesignating the subject lands to "Low Density Apartments".

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District for property located at 266 Limeridge Road East.

The effect of the By-law is to permit development of the subject lands for two 3-storey, six unit multiple dwellings.

In addition, the By-law provides for the following variances and special requirements:

- (a) To permit a minimum side yard with of 4.41m, from the easterly and westerly lot lines, whereas 4.50m is required;
- (b) To provide one loading space (9.0m x 3.7m x 4.3m) for the two multiple dwellings, whereas 2 loading spaces are required.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 4, respecting Zoning Application 89-34, for property at 272-288 Limeridge Road East.

ZA 89-34 - 272-288
Limeridge Road East.

Report of the circularization was given as follows:

100 notices sent 5 in favour 13 opposed

An agent for the applicant was in attendance at the meeting. The agent responded to a Committee question, and advised that these particular units are not subsidized.

The Committee was in receipt of a letter of submission from Mr. Don Nuttall, 11 Flamingo Drive.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-34, Mahabir Homes Limited, prospective owner, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, for property located at 272-288 Limeridge Road East, as shown on the attached map marked as APPENDIX "D", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18A and E-18B for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for properties located at 272-288 Limeridge Road East. The effect of the By-law is to permit the development of the subject lands for townhouses.

NOTE: Alderman Merling opposed.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 June 27, respecting Zoning Application 89-14, for property at 1158 Upper Wentworth Street.

ZA 89-14 - 1158
Upper Wentworth Street.

Report of the circularization was given as follows:

45 notices sent 1 in favour 6 opposed

The Committee was in receipt of a letter of submission from Diane Drywood, no address listed, and from Tony and Marion Ann Rizzo, 245 Crerar Drive.

The Committee was also presented with petitions of opposition to this application by Alderman Merling from residents within the area.

Mr. Tony Rizzo, 245 Crerar Drive, spoke to the Committee and indicated that he was told the area was designated for single and double families when he moved in. He added that he is very opposed to this proposal and that the area should be kept as originally designated.

A solicitor for the applicant and an architect for the owners of the property spoke on this matter. Mr. Harringa, Architect for the proposal showed drawings of the proposed buildings. He added that the site is adjacent to a pending highway and that all units would face away from the highway and would have enclosed solariums rather than open balconies to cut down on the noise impact. He added that they would also have air conditioning. He added that there is another 6 foot structure down the road and spoke on use of the rear lands of the property to allow development for a court.

Following discussion on this matter by the Committee the following DENIAL recommendation was APPROVED:

That Zoning Application 89-14, Mr. G. T. Dilar, owner, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, for property located at 1158 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "E", BE DENIED for the following reasons:

- (a) It conflicts with the intent of the approved Crerar Neighbourhood Plan which designates the subject lands for "Single and Double" residential development;
- (b) It would be incompatible and out of character with existing and proposed development in the surrounding area comprised of single-family dwellings, small lot single-family dwellings and townhouse dwellings to the south and west;
- (c) It would interfere with the orderly development of the neighbourhood, in that adjoining lands to the west form part of a draft approved plan of subdivision for small lot single-family dwellings having access off of Crerar Drive.

ZA 89-30 - 64
Fairholt Road South
and 85 Dunsmure
Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 June 28, respecting Zoning Application 89-30, for property at 64 Fairholt Road South and 85 Dunsmure Road.

Report of the circularization was given as follows:

359 notices sent 19 in favour 12 opposed

A representative of the owners spoke on the reasons that this application should be approved.

The Committee then APPROVED the following DENIAL recommendation:

That Zoning Application 89-30, 698775 Ontario Inc., Mr. A. Clarke, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit expansion of the existing residential care facility from 12 residents to 19 residents, without providing three additional parking spaces, for property located at 64 Fairholt Road South and 85 Dunsmure Road, as shown on the attached map marked as APPENDIX "F", BE DENIED for the following reasons:

- (a) One of the prime goals of the residential Care Facilities By-law is to provide residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 19 residents, or three times that permitted in a "C" District would result in the creation of a "Mini-Institutional" use. Accordingly, the proposal is contrary to the intent and philosophy behind the By-law and Provincial policies, which were designed to encourage smaller facilities in residential neighbourhoods.
- (b) Another Residential Care Facility is located within 74.67m (245 feet) of the subject lands, contrary to the minimum radial separation distance requirement of 180.0m (600 feet).
- (c) It represents an over-intensification of land use, in that adequate parking would not be provided.
- (d) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Residential Care Facilities By-law.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 6, respecting Zoning Application 89-31, for property at 240-244 Quigley Road.

ZA 89-31 - 240-244
Quigley Road.

The Committee APPROVED the following recommendation:

That APPROVAL be given to Zoning Application 89-31, Gumiero and Pupi, owners, requesting a further modification to the "DE-2" (Multiple Dwellings) District for properties located at 240-244 Quigley Road, as shown on the attached map marked as APPENDIX "G", on the following basis:

- (a) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, as amended applicable to the subject land, be further amended by including the following variance as a special provision:
 - (i) That notwithstanding section 10B(5) of By-law No. 6593 a multiple dwelling having a maximum gross floor area of 2600m² shall be permitted.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-884b, and that the subject lands on Zoning District Map E-97 be notated S-884b;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-97 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to further modify the "DE-2" (Multiple Dwellings) District for properties located at 240-244 Quigley Road.

The effect of the By-law is to allow the redevelopment of the subject lands for a six storey apartment building containing a total of 22 units.

In addition, the proposed By-law provides for the following variance as a special provision:

- (a) To allow a gross floor area of 2600m² within the apartment building, whereas a maximum of 2069.1m² is permitted.

ZA 89-40 - 1124
and 1136 Rymal Road
East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 5, respecting Zoning Application 89-40, for properties located at 1124 and 1136 Rymal Road East.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-40, Gnas Land Group Inc., owner, requesting a modification to the established "M-12" (Prestige Industrial) District (Block 1), and a further modification to the "M-12" (Prestige Industrial) District (Block 2), for properties located at 1124 and 1136 Rymal Road East, as shown on the attached map marked as APPENDIX "H", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D of Zoning By-law No. 6593, as amended, applicable to the subject lands be modified to include the following variances as a special provision:

- (i) That notwithstanding Section 17D(1)(b) of By-law No. 6593, the following Commercial uses shall be permitted:

<u>Commercial Use</u>	<u>S.I.C. Identification</u>
1. Home & Auto Supply Store	6341
2. Tire, Battery, Parts & Accessories Store	6342
3. General Repairs Garage	6351
4. Paint & Body Repair Shop	6352
5. Muffler Replacement Shop	6353
6. Motor Vehicle Glass Replacement Shop	6354
7. Motor Vehicle Transmission Repair and Replacement Shop	6355
8. Other Motor Vehicle Repair Shop	6359
9. Motor Vehicle Service	6399
10. Automobile & Truck Rental & Leasing Service	9921

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1134, and that the subject lands on Zoning District Map E-59E be notated S-1134;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59E for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "M-12" (Prestige Industrial) District and a further modification to the "M-12" (Prestige Industrial) District, for Blocks "1" and "2" for property located at 1124 and 1136 Rymal Road East.

The effect of the By-law is to permit an auto mall on the subject property.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 June 30, respecting Subdivision Application 88-05, and amended Zoning Application 89-15, for property on the north of Stone Church Road West and west of Chesley Street.

Mrs. Walker, 251 Stone Church Road West spoke to the Committee on her concern on the destruction of trees in this area with the proposed development.

Sub-division
Application 88-05,
and Amended ZA 89-
15 - north of
Stone Church Road
West and west of
Chesley Street.

Mr. Ward Campbell, developer for this property spoke to the Committee and indicated that the intent of the development is to preserve as many trees as possible and in fact is part of the recommendation. Mrs. Walker then questioned the tree preservation plan.

Alderman Murray questioned the width of walkways and added that he would like to have walkways as wide as possible.

The Committee then APPROVED the following recommendation:

- (A) That APPROVAL be given to Subdivision Application 88-05, Starward Homes, owner, to establish a draft plan of subdivision north of Stone Church Road West and west of Chesley Street, subject to the following conditions:
 - (a) That this approval apply to the plan prepared by A. J. Clarke and Associated, dated 1989 January 31, revised to show 102 lots, 2 blocks (Blocks "109" and "110") for development with abutting lands, one block (Block "108") as a 4.57m walkway, four blocks (Blocks "104", "105", "106" and "107") as 0.3m reserves and one block (Block "103") as parkland.
 - (b) That the streets be dedicated as public highways and the walkway (Block "108") be dedicated as a public walkway on the final plan.
 - (c) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (d) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (e) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (f) That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes, said conveyance to comprise part of Block "103".
 - (g) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (h) That the dead-ends and open sides of the road allowances (Blocks "104", "105", "106" and "107") created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of adjacent lands.
 - (i) That Blocks "109" and "110" be developed only in conjunction with abutting lands.
 - (j) That the owner dedicate sufficient land to the Region to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance.
 - (k) That Brigadoon Drive and Street "B" be established to their full widths of 20m. Brigadoon Drive should be realigned as shown on the plan and that a bulb be established at the south easterly corner of Street "B".
 - (l) That a 4.57m wide public walkway (Block "108") be provided for in the vicinity of Lots 9 and 10.

- (m) That the radii of the horizontal bends at Lots 40, 97 and 98 be specified, and minimum 2m x 2m daylight triangles be established on these lots.
 - (n) That Crescent "C" and the adjacent lots not be registered until either Gondola Street or Duncairn Crescent is included in a registered plan of subdivision or the City has agreed to open it/them by By-law.
 - (o) That the portion of the closed original road allowance north of Street "B" and west of Chester Avenue, if not owned by the City and which will form part of the future intersection, be acquired and established as part of the road allowance and constructed from Chester Avenue westerly to Street "B".
 - (p) That Lots 72-102 not be registered until the lands westerly have been developed or alternatively, an easement from Brigadoon Drive is extended to Crescent "C" is provided for.
 - (q) That the owner prepare and implement a tree preservation plan.
 - (r) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (s) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (B) That the Subdivision Agreement BE ENTERED into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-05), Starward Homes, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (C) That the Gourley Neighbourhood Plan BE AMENDED accordingly.
- That APPROVAL be given to Amended Zoning Application 89-15, Starward Homes Limited, owner and prospective owner, to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands north of Stone Church Road West and west of Chesley Street, as shown on the attached map marked as APPENDIX "I", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9B, W-9C, W-17B and W17C for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the subject lands.

The effect of the proposed change is to subdivide the subject lands into building lots for single-family detached dwellings.

The Committee was in receipt of a recommendation from the Commissioner of Planning and Development dated 1989 June 29, respecting Zoning Application 89-05, for property at 10 Herkimer Street.

ZA 89-05 -
10 Herkimer Street.

The Committee was in receipt of the following letters of submission:

- (a) W. T. Scriven, 1508-33 Robinson Street.
- (b) Burt Visheau, 227 MacNab Street South, #3.
- (c) Dr. and Mrs. Ernest Fallen, 265 MacNab Street South.

Some mention was made on the comments in the staff report made by Social Service, specifically said in part "the Durand Neighbourhood Association had comments to make at that time and we strongly suggest that they be asked to comment re this expansion plan".

Some concern was expressed at these comments which should not be part of staff's comments. Alderman Christopherson, Chairman of the Health and Social Services Committee indicated that he would take this matter up with the appropriate staff and the Committee AGREED to leave this matter in his hands.

The Committee then APPROVED the following amended recommendation:

That APPROVAL be given to Zoning Application 89-05, 583783 Ontario Inc. (D. and F. Steller), owners, requesting a further modification to the established "E-1" (Multiple Dwellings, Lodges, Club, etc.) District regulations to permit expansion of the existing residential care facility from 34 residents to 58 residents, for property located at 10 Herkimer Street, as shown on the attached map marked as APPENDIX "J", on the following basis:

- (a) That the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11A of Zoning By-law No. 6593, as amended by By-law No. 83-217 applicable to the subject lands, be further modified to include the following variances as special requirements:
 - (i) That notwithstanding Clause (iib) of Subsection 1 of Section 11 of By-law No. 6593 a residential care facility for the accommodation of a maximum of 58 residents of at least 60 years of age, shall be permitted;
 - (ii) That a minimum of seven off-street parking spaces shall be provided on the site;
 - (iii) That notwithstanding Section 11A(3)(ii)(b) a minimum westerly side yard of 1.26m shall be provided; and,
 - (iv) That notwithstanding Section 11A(3)(iii)(b) a minimum rear yard of 4.8m shall be provided.
- (b) That the amending By-law be added to Section 19 of Zoning By-law No. 6593 as Schedule S-832a and that the subject lands on Zoning District Maps W5 and W6 be notated S-832a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W5 and W6 for presentation to City Council;

- (d) That the proposed change in zoning is in conformity with Official Plan for the Hamilton Planning Area; and,
- (e) That the Durand Neighbourhood Plan be amended by redesignating the subject lands from "Commercial and Apartments" to Medium Density Apartments".

NOTE: The purpose of the By-law is to provide for a modification to the established "E-1"(Multiple Dwellings, Lodges, Clubs, etc.) District to permit the expansion of the existing residential care facility from 34 residents to a maximum of 58 residents.

In addition, the By-law provides for the following variances:

- (a) To require a minimum of seven off-street parking spaces;
- (b) To provide a minimum westerly side yard of 1.26m;
- (c) To provide a minimum rear yard of 4.8m.

Applewood
Development Project
- Upper Ottawa
Street.

Alderman Smith spoke to the Committee on his concerns respecting the Applewood Development project on Upper Ottawa Street by Jubilee Homes. He added that housing is being put in at a very high density in this area.

The Director of Local Planning outlined the definition in the By-law for townhousing units and indicated that staff is working on tying up the interpretation of the townhousing category to prevent buildings being constructed with such high density as apartments.

The Committee expressed concern at the time this tightening up would take and directed that a report on this matter be forwarded to the next meeting of the Committee.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved.

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 July 12

Tuesday, 1989 August 14
7:00 o'clock p.m.
Room 233, City Hall

A Special meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman H. Merling
Alderman D. Christopherson
Alderman M. Kiss

Regrets: Alderman T. Cooke
Alderman W. McCulloch
Alderman B. Hinkley
Alderman D. Ross - Vacation

Also present: Alderman D. Drury
Ms. J. McNeilly, Community Development
Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of a report from the Manager of Purchasing dated 1989 August 15 respecting Crown Point West/Stipeley P.R.I.D.E. Belview Park Site - Improvements and Landscaping.

The Committee APPROVED the following:

That a purchase order BE ISSUED to McLean - Peister, Kitchener, in the amount of \$441,926.00, for the Belview Park site improvements and landscaping in the Crown Point West/Stipeley Neighbourhood, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of three (3) tenders received. Funds provided in Crown Point West/Stipeley Account #CF5200 428702005.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 August 15

Crown Point West/
Stipelev P.R.I.D.E.
Belview Park Site -
Improvement and
Landscaping.

Adjournment.

Tuesday, 1989 August 29
5:30 o'clock p.m.
Room 233, City Hall

A special meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman B. Hinkley
Alderman D. Christopherson
Alderman H. Merling
Alderman W. McCulloch
Alderman M. Kiss

Regrets: Mayor Robert M. Morrow - Civic Business
Alderman D. Ross - Regional Business

Also present: Mr. V. Abraham, Director of Local Planning
Mr. W. Wong, Building Department
Mr. R. Karl, Traffic Department
Mr. M. Watson, Real Estate Division
Mr. D. Vyce, Director of Property
Mr. P. Baker, General Manager, Parking Authority
Ms. L. Lawrence, City Solicitor's Office
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of a report from the Building Commissioner dated 1989 August 24, respecting a Demolition Permit Application.

Demolition Permit
Application

The Committee APPROVED the following:

That the Building Commissioner BE AUTHORIZED to issue a demolition permit for the following property, subject to the approval of the Niagara Escarpment Commission:

- (a) 80 Pritchard Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 21, respecting a Proposed Draft Plan of Condominium "Centergate Properties".

Proposed Draft
Plan of Condominium -
"Centergate
Properties"

The Committee APPROVED the following:

That APPROVAL be given to Proposed Draft Plan of Condominium Application SA-89-07, "Centergate Properties", Centergate Properties Ltd., owner, to establish a draft plan of condominium located at the north side of Hunter Street, west of Ferguson Avenue, subject to the following conditions:

- (a) That this approval apply to the plan prepared by Guido Consoli Surveying Ltd., dated 1989 December 5.
- (b) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 18, respecting the Regional Municipality of Hamilton-Wentworth proposed modifications to Official Plan Amendment No. 66 - Central Area Plan.

Regional
Municipality of
Hamilton-Wentworth
proposed
modifications to
O.P.A. 66 -
Central Area Plan.

The Committee APPROVED the following:

That the Regional Municipality of Hamilton-Wentworth BE ADVISED that the City of Hamilton:

- (a) SUPPORTS all the proposed modifications to Official Plan Amendment No. 66, (EXCEPT for a minor change to proposed Modification No. 9 as noted on Table 1 attached herewith and marked Appendix "A");

- (b) DOES NOT SUPPORT any changes to Official Plan Amendment No. 66 as a result of the appeals from CN and the Hamilton Harbour Commissioners (EXCEPT Modification 10 as noted on Table 1 attached herewith and marked Appendix "A");
- (c) REQUESTS the Region's assistance in discussions with CN with a view to resolving their concerns, and;
- (d) REQUESTS the Region to approve Official Plan Amendment No. 66 subject to:
 - (i) The deferral of those portions of the amendment which are of specific concern, and only as they relate to CN' objections; and,
 - (ii) The referral of those portions of the amendment noted in the Hamilton Harbour Commissioners appeal, to the Ontario Municipal Board to be heard in conjunction with the other outstanding appeals. Referral of these portions of the amendment should be done only insofar as they relate to the Harbour Commissioners' objections.

NOTE: The Regional Municipality of Hamilton-Wentworth has requested Hamilton City Council's opinion on a number of modifications and two appeal requests to Official Plan Amendment No. 66 - Central Area Plan.

Hamilton City Council, on 1988 October 25, adopted Official Plan Amendment No. 66 - Central Area Plan. It was subsequently forwarded to the Regional Municipality of Hamilton-Wentworth for final approval. The Region circulated the Amendment to all interested departments and agencies for comments. As a result of this circulation, the Region is now requesting Hamilton City Council's opinion on a number of proposed modifications to the Amendment. In addition, they are also requesting Council's wishes regarding two appeal requests.

Site Plan Control
Application DA 89-41,
1800 Main St. W.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 8, respecting Site Plan Control Application DA 89-41, for property at 1800 Main Street West.

The Committee APPROVED the following:

That APPROVAL be given to Site Plan Control Application DA-89-41, by Cascade Hamilton-Waterford General Partner Inc., owner of lands at 1800 Main Street West for a 143 unit senior citizens retirement home subject to the following:

- (a) Modifications to the plans related to grades, dimensions and notes as marked in red on the plans;
- (b) Modification to the layout, grades and landscaping to the driveway area at the east and west ends of the building as marked in red on the plans;
- (c) Finalization of the grading plans to the satisfaction of the Hamilton Region Conservation Authority, and the Commissioner of the Hamilton-Wentworth Engineering Department; and,
- (d) Removal of the holding provision "H" from the By-law to permit the development.

NOTE: The Property is zoned "E-H"/S-1113a and "A-H"/S-1113a. The "H" (holding) symbol requires that a Site Plan be approved, and an amending by-law be processed to remove the "H" (holding) designation, to permit development to proceed.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 8, respecting Site Plan Control Application DA-89-31, for property at 99 Duke Street.

Site Plan Control
Application DA 89-31,
99 Duke Street.

The Committee APPROVED the following:

That APPROVAL be given to Site Plan Control Application DA-89-31, by Louis and Judy Levy, owners of lands known as 99 Duke Street, for renovations to the existing building and property subject to the following:

- (a) Modification to the plans in relation to notes, dimensions and parking as marked in red on the plans;
- (b) Submission of a revised site plan and grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- (c) Finalization of the amending By-law for the proposed development incorporating the approvals of Zoning Application 88-90;

The following recommendation with respect to Zoning Application 88-90, will be forwarded to City Council for approval:

That Section 14 of the First Report for 1989 of the Planning and Development Committee to City Council, approved on 1988 December 13, as amended by Council approval on 1989 January 10, in regard to Zoning Application 88-90 by Louis Levy, owner of lands located at 99 Duke Street and 191 Bay Street South BE AMENDED as follows:

- (a) That the following be added as:
 - (i) 14(b)(ii)(2) Notwithstanding subsection 4.(c) of Table 1 of Section 18A a minimum of 5 parking spaces shall be required.
- (b) That the following be added to 14(b):
 - (3) Notwithstanding Section 18A.1(d) no loading space shall be required;
 - (4) Notwithstanding Sections 18A.(11), (12)(a) and (14) one (1) parallel parking space shall be permitted within the required front yard adjacent to the residential district to the east;
 - (5) Notwithstanding Section 18A.(1)(f) the aisle width for the designated parallel parking spaces shall be 3.0m instead of the required 3.7m minimum; and,
 - (6) Notwithstanding Section 18A.(11)(b) one (1) parallel parking space shall be permitted adjacent to the southerly and westerly lot lines.

NOTE: The amendments are necessary in order to provide a minimum of five (5) legal size parking spaces on the lot. Due to site limitations and existing conditions, a portion of the parking spaces will infringe upon required yards as well as eliminate a required planting strip.

The Committee was in receipt of a letter of submission from Mr. B. Scott Henderson, Harris & Henderson, Barristers & Solicitors, on behalf of the owners of the property at 849 Upper Wentworth Street, dated 1989 August 17.

Mr. Henderson briefly spoke to his submission and indicated that the contents of his letter are self explanatory.

Cash-in-lieu of
Parking - 849
Upper Wentworth St.
Correspondence -
Scott Henderson, re:
849 Upper Wentworth.

Alderman McCulloch pointed out that the recommendation in the report which would be going to City Council was inaccurate in that it should have been recorded in the negative rather than in the positive as it presently stands. The Secretary acknowledged that this was an error and indicated that an amendment would be prepared for adoption at City Council.

Information Report -
Planning

The Committee was in receipt of an Information Report from the Commissioner of Planning and Development dated 1989 August 22, with respect to Cash-in-lieu of Parking for the property located at 849 Upper Wentworth Street.

Report -
Building
Commissioner

The Committee was also in receipt of a Report from the Building Commissioner dated 1989 August 18, respecting the Cash-in-lieu of Parking Policy for the property located at 849 Upper Wentworth Street.

The Committee agreed to RECEIVE the above-noted matters.

Some discussion ensued on this matter, and it was agreed that the discussion and the reports would BE RECEIVED for information since this matter would be discussed in more detail at City Council.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 August 29

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: September 6, 1989

COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:


That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- a. 276 Limeridge Road East
- b. 282 Limeridge Road East
- c. 288 Limeridge Road East
- d. 627 Rennie Street
- e. 92 Shelby Avenue
- f. 41 Robins Avenue

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

A handwritten signature in dark ink, appearing to be 'L.C. King', with a long horizontal line extending to the right.

BUILDING DEPARTMENT

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: September 6, 1989

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	276 Limeridge E.	S.F.D.	Townhouse	64' X 254'	Mahabir Homes	"AA"	It is recommended that Committee approve demolition.
B.	282 Limeridge E.	S.F.D.	Townhouse	64' X 254'	Mahabir Homes	"AA"	It is recommended that Committee approve demolition.
C.	288 Limeridge E.	S.F.D.	Townhouse	65' X 254'	Mahabir Homes	"AA"	It is recommended that Committee approve demolition.
D.	627 Rennie St.	S.F.D.	Parking for Commercial	40' X 115'	Mohamed Moledina	"J"	It is recommended that Committee approve demolition.
E.	92 Shelby Ave.	S.F.D.	Vacant/Comm. Res.	17.92' X 157.75'	M. Sherring	"H"	It is recommended that Committee approve demolition.
F.	41 Robins Ave.	S.F.D.	S.F.D.	25' X 100'	J. Montour	"D"	Demolished as per Unsafe Order dated Aug. 28/89

L.C. King, P. Eng.,
Building Commissioner

FOR ACTION

3.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

DATE: 1989 August 23
COMM FILE:
DEPT FILE:

SUBJECT: 313 Wentworth Street North

AUG 25 1989

RECOMMENDATION:

1. That the Building Commissioner be authorized to clear the above property of domestic or industrial waste in accordance with City of Hamilton By-Law 84-35.
2. That the City Solicitor be authorized to prepare a By-Law for the cleanup of 313 Wentworth Street North.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The cost of the clearing of the debris will be added to the tax roll to be collected in a like manner as municipal taxes. We estimate the cost of this cleanup to be approximately \$3,000 plus administration costs.

BACKGROUND:

This property has been the focus of numerous complaints since April of 1988 regarding the accumulation of waste materials in the yards.

The City obtained a conviction against the owner, Mrs. Sylvia Rippengal on February 17th, 1989 under By-Law 84-35, for failing to keep the premises free and clear of domestic and industrial waste. She received a \$400.00 fine.

The Building Department continues to receive complaints about this property.

FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

DATE: 1989 August 24
COMM FILE:
DEPT FILE:

SUBJECT: 31 South Street

AUG 25 1989

RECOMMENDATION:

1. That the Building Commissioner be authorized to remove two inoperative vehicles from 31 South Street in accordance with City of Hamilton By-Law 74-74.
2. That the City Solicitor be authorized to prepare a By-Law for the removal of these vehicles.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The cost of the removal of these vehicles will be added to the tax roll to be collected in a like manner as municipal taxes. We estimate the cost of the removal of these vehicles to be approximately \$800.00 plus administration costs.

BACKGROUND:

This property has been the focus of numerous complaints since October, 1987 regarding the condition of the property and these derelict vehicles.

The owner of this property has not seen fit to comply with the requirements of the Property Standards By-Law.

For the information of the Committee, this Department has already removed a garage and debris from this yard in June of this year. However, because these are vehicles the police will not assist us in our removal without a By-Law authorized by City Council.

FOR ACTION

5.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

DATE: 1989 August 24
COMM FILE:
DEPT FILE:

SUBJECT: 111 Cope Street

AUG 25 1989

RECOMMENDATION:

1. That the Building Commissioner be authorized to clear the above property of domestic or industrial waste in accordance with City of Hamilton By-Law 84-35.
2. That the City Solicitor be authorized to prepare a By-Law for the cleanup of 111 Cope Street.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The cost of the clearing of the debris will be added to the tax roll to be collected in a like manner as municipal taxes. We estimate the cost of this cleanup to be approximately \$1800.00 plus administration costs.

BACKGROUND:

This property has been the focus of complaints from elected officials since April of 1989 regarding the accumulation of waste materials in the yards.

Our Department has issued an Order pursuant to By-Law 84-35 which has not been complied with.

6.

FOR ACTION

REPORT TO: Susan K. Reeder, Secretary
Planning & Development Committee

FROM: E. W. Kowalski, Director
Department of Community Development

DATE: 1989 August 23
COMM FILE: Heritage 58

SUBJECT:

Designated Property Grant - 111 St. Clair Ave. S., Hamilton.

RECOMMENDATION:

That a Designated Property Grant in the amount of \$1,400. be provided to James G. Davies, Sr., 111 St. Clair Ave. S., Hamilton.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The Planning and Development Committee in a report dated 1982, December 06, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1989, May 30. The owners of the designated property located at 111 St. Clair Ave. S. have applied under the Programme for the restoration of the trim in its original colours. Mr. James G. Davies, Sr. has obtained two estimates for the work. This estimate of \$3,000. is for the restoration of the trim.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (LACAC) has approved the work.

The Department of Community Development therefore recommends that the Designated Property Grant in the amount of \$1,400. be approved for the historical rehabilitation work to be completed at 111 St. Clair Ave. S. (The total cost of the work is \$3,000.).

FOR ACTION

7.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 September 7
COMM FILE:
DEPT FILE: 800-0300

SUBJECT: Ontario Home Renewal Programme (O.H.R.P.)

SEP 7 1989

RECOMMENDATION:

That, the Director of Community Development be authorized to process an Ontario Home Renewal Programme grant/loan in an amount to exceed \$7,500.: (a) Grace Townsend, 337 East 27th Street.

NOTE: The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

E. W. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The application is being processed for a grant and/or loan pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand, eight hundred and fifty-seven (3,857).

FOR ACTION

8.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 August 25
COMM FILE:
DEPT FILE: (2738)

SUBJECT: Lot 18, Plan M-227 (140 Nebo Road)
Hamilton Mountain Industrial Park #1
- Allan Michaels Electric Ltd. -

AUG 28 1989

RECOMMENDATION:

That an Offer to Purchase the lands of The Corporation of the City of Hamilton, Lot 18, Plan M-227, Hamilton Mountain Industrial Park #1, located at 140 Nebo Road, duly executed on August 23, 1989, by the Purchaser Allan Michaels Electric Ltd. and scheduled to close on or before March 12, 1990, be approved and completed.

Note: The purchase price is \$200,000.00. A deposit cheque in the amount of \$20,000.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the westerly limit of Nebo Road, having a frontage of 200.23 feet by a depth of 433.31 feet/441.89 feet and containing an area of 2.01 acres.

This Offer to Purchase is conditional upon the City of Hamilton completing the re-purchase of this land from Fin-Par Enterprises Inc.

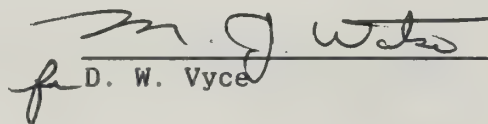
It is understood and agreed that the Vendor upon completion of this transaction will pay a Real Estate Commission on the following basis to Realcan Realty of Canada Ltd., 104 - 135 James Street South, Hamilton, Ontario L8P 2Z6, whose agent, Mr. Harry McKillop, acted in this matter.

1st \$100,000.00 of Purchase Price - 5%
2nd \$100,000.00 of Purchase Price - 4%

Recommendation - Continued...

Notwithstanding paragraphs 6.3 (1) (2) (3) hereof, should the Transferee decide to construct an industrial condominium, in accordance with municipal, regional, and provincial requirements, the Transferee shall be entitled to enter into Agreements of Purchase and Sale in respect of the units to be contained within such condominium and shall further be entitled to transfer such condominium units to such Purchasers without such sales or transfers being deemed an act or acts of default hereunder.

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.


D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The proceeds of the sale to be credited to Account # RF 45001 25202.

BACKGROUND:

This department has received an inquiry from Mr. Harry McKillop, of Realcan Realty of Canada Ltd., agent for Allan Michaels Electric Ltd., as to the possibility of purchasing a 2.01 acre lot on Nebo Road. The Purchaser plans to build a 20,000 square foot building, with approximately one half used for its own electrical business, which employs some 20 persons, and the remaining half for industrial leasing purposes or industrial condominiums.

Attach.

- c.c. - Mr. P.R.A. Hooker, Acting City Solicitor
- Mr. E.C. Matthews, City Treasurer
 - Mr. R. Douglas, Regional Engineering
 - Mr. S. Ghanem, Director, Economic Development
Attention: Mr. Scott Galbraith

9.

F O R A C T I O N

TO: S. REEDER, SECRETARY
PLANNING & DEVELOPMENT COMMITTEE

AUG 15 1989

FROM: G. S. SPENCER
COMMISSIONER OF ENGINEERING

DATE: August 10, 1989
COMM FILE:
DEPT FILE: E205-05
ID#karen(09)

SUBJECT:

Grading in Single Family House Lots

RECOMMENDATION

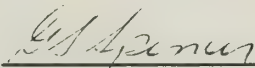
That item 11 of the 4th report of the Planning and Development Committee approved by Council in 1989 be amended by:

Adding to subsection (b) "and g"; and adding a new (g) to read

That the 7% restriction does not preclude retaining walls in the required back yard providing the terraces are maintained to the 7% grade set out in subsection (b).

Note:

The effect of the above is to permit retaining walls in the backyard which will permit the construction of sidesplits with the lower part of the house providing for a walk out.



G. S. Spencer
Commissioner of Engineering

BACKGROUND

City Council on the recommendation of the Planning and Development Committee approved the following policy.

That the following policy BE ADOPTED for grading standards on single and double family housing controlled by the subdivision process:

- (a) That the definition: "Required back yard", shall mean the distance designated in the Zoning By-Law.

Cont'd

Grading in Single Family House Lots

Cont'd

- (b) That the maximum slope in the back yard adjacent to the building for a distance equal to the required back yard shall be 7%, except as set out in sections (c) and (d).
- (c) That the 7% restriction shall not apply to the sides of a swale along the sides or back of the lot, providing the total width of the swale shall not exceed one (1) metre.
- (d) That where the 7% restriction on the backyard grades results in elevation differences between different properties, retaining walls shall be constructed along the sides and the back of the lot. Slopes with a maximum of three horizontal to one vertical may replace the walls where the said difference in elevation is less than 0.3 m.
- (e) That there is no control on the steepness of the slopes in side yards, front yards and back yards, outside the area defined in (a) above, providing said slopes are stable for the soils of the area.
- (f) That the retaining walls shall be located on the high lands.

The above mentioned policy and the discussion at the Committee did not deal with the possibility of a retaining wall in the required back yard, which is desirable with certain types of buildings particularly with side splits. It is the staff's opinion that it is not desirable to prohibit terraced back yards. For this reason we recommend the additional condition.

KAB:klv

cc: L. King, Building Department

FOR ACTION

10.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 AUG 29
COMM FILE:
DEPT FILES: SA-89-08
25CDM-89011

SUBJECT

Proposed Draft Plan of Condominium "Annina Place"

RECOMMENDATION

That approval be given to application SA-89-08, "Annina Place", 815488 Ontario Inc., owner, to establish a draft plan of condominium located at the east side of Upper Gage Avenue, north of Royal Vista Drive and south of Anna Capri Drive, subject to the following conditions:

1. That this approval apply to the plan prepared by A J. Clarke and Associates Ltd., dated April 20, 1989, revised to show a 6.0m driveway width.
2. That no final approval be given prior to the completion of the construction of sewers on Upper Gage Avenue adjacent to the lands of this plan of condominium.
3. That the following conditions be included in the Area Municipality Condominium Agreement or the owner satisfy the Ministry of the Environment:
 - i) All dwelling on units 1, 2, 9 and 10 inclusive shall be heated with a forced air system which must have adequate provisions for an owner-installed central air conditioning or mechanical ventilation system at a later date.
 - ii) The builder shall install double glazed windows on dwellings on units 1, 2, 9 and 10 inclusive. Both glazing shall be of a minimum 24 oz. weight glass with a minimum separation between the panes of one inch or other construction achieving the equivalent or improved acoustical performance. All windows and sliding doors shall be well fitted and weather stripped.
 - iii) The Subdivision Agreement shall require that the following clause be registered on title of each dwelling on units 1, 2, 9 and 10 inclusive and be included in the agreement of purchase and sales:

"Purchasers are advised that noise control measures have been included in this development, however, due to the increase in traffic volume, noise levels on this property may occasionally interfere with some activities of the occupant. Provisions have been made within the individual dwelling units for an owner-installed central air conditioning or equivalent mechanical ventilation system so that windows may be closed at the discretion of the occupant in order to achieve a suitable indoor noise environment. Air cooled condenser units for central air conditioning systems shall be located in a noise insensitive area."

4. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

815488 Ontario Inc., c/o Angelo Oliverio, Hamilton, Ontario

Surveyor

A. J. Clarke and Associates Ltd., Hamilton, Ontario

Location

The lands, comprising 0.43 ha, are located on the east side of Upper Gage Avenue, north of Royal Vista Avenue and south of Anna Capri Drive, in the Templemead Neighbourhood, City of Hamilton.

Proposal

The owner is proposing to establish 16 townhouse condominium units within two buildings.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential" The proposal complies.

Zoning - the lands are zoned "RT-10" Townhouse District to permit the proposed development. The proposal complies.

Neighbourhood Plan - the lands are designated for attached housing. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have not comment or objection toward the development:

Ministry of the Environment (subject to standard condition);
Ministry of Transportation;
Hamilton Region Conservation Authority;
City Traffic Department;
City Building Department;
Union Gas, Bell Canada, Ontario Hydro.

Hamilton-Wentworth Department of Engineering has commented and requested that the following conditions be complied with:

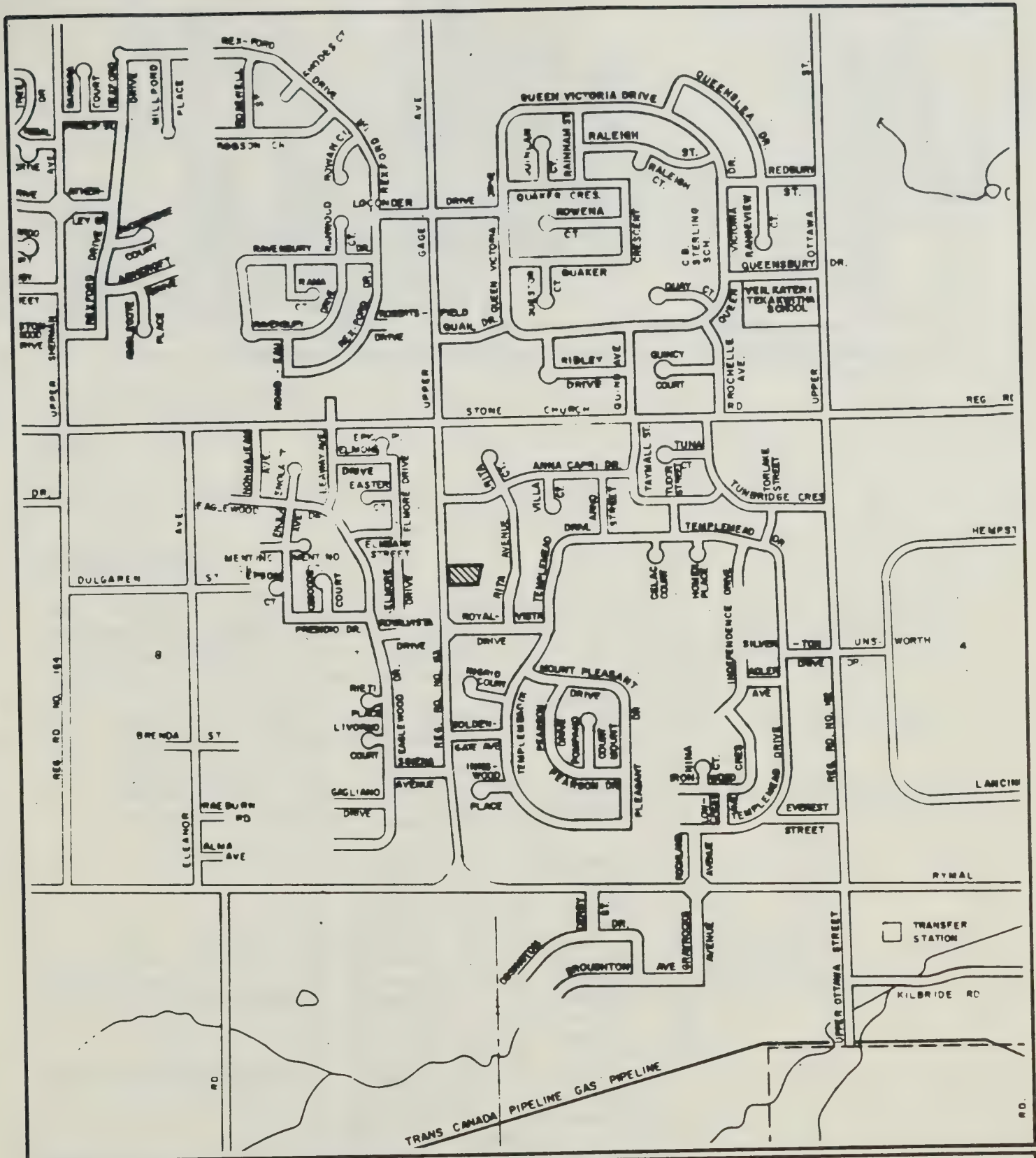
- "1. The final approval of this plan should not be given until the construction of the sewers on Upper Gage Avenue adjacent to these lands have been completed and accepted by the Region.
2. The owner is to satisfy the Region's financial requirements in regards to any appropriate Development Levies prior to the release of the Final Plan of Condominium."

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.

3. The land of the proposed draft plan is Block "25" of Registered Plan M-602 as approved by Regional Council.
4. The owner received approval of a Site Plan under DA-89-28 which was approved on June 2, 1989. The draft plan of condominium conforms with the approved plan of DA-89-28, subject to a widening of the driveway to 6.0m.

JLS/jd



Location Plan For

ANNINA PLACE CONDOMINIUMS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale
NOT TO SCALE

Date
MAY 5, 1989

Reference File No.
25CDM-89011

Drawing No.

UPPER GAGE AVENUE

ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 6 AND 7

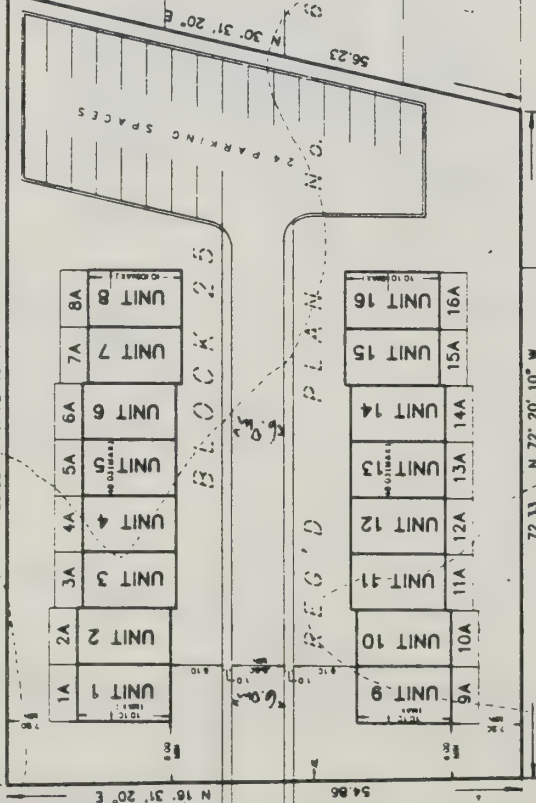


NOTED LOT 1 B.1 DEPOSITS PLAN NO. B.11 M.57

LOT 6 CONVEYANCE
GEOGRAPHIC TOWNSHIP OF BARTON

PART 1 PLAN 62M-593-2464
INSTRUMENT NO. 436816 CD

85.95 N 72° 18' W



PART 1 PLAN 62M-593-2464
INSTRUMENT NO. 436816 CD

BLK 25

PART 1 PLAN 62M-593-2464
INSTRUMENT NO. 436816 CD

72.33 N 72° 20' 10" W

PLAN 62M-593-2464

BLK 26

RECD PLAN 62M-593-2464

LOT 27
LOT 28
LOT 29

RECD PLAN 62M-593-2464

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FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 SEP 01
COMM FILE:
DEPT FILES: SA-89-11
25CDM-89013

SUBJECT

Proposed Draft Plan of Condominium "Lancing Industrial Corporation"

RECOMMENDATION

That approval be given to application SA-89-11, "Lancing Industrial Corporation", 718780 Ontario Limited, owner, to establish a draft plan of condominium located at the southeast corner of Lancing Drive, west of Nebo Road, subject to the following conditions:

1. That this approval apply to the plan prepared by J. D. Barnes Ltd. dated May 17, 1989.
2. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

718780 Ontario Limited, Hamilton, Ontario

Surveyor

J. D. Barnes Ltd., Hamilton, Ontario

Location

The lands, comprising 0.32 ha, being Lot 25 of Registered Plan 62M-489, are located at the southeast corner of Lancing Drive west of Nebo Road in the Rymal Neighbourhood, City of Hamilton.

PROPOSAL

The owner is in the process of constructing 6 units for industrial purposes within one building.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial-Business Park" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Neighbourhood Plan - the lands are designated "Restricted Industrial". The proposal complies.

Zoning - the lands are zoned "M-14 (Prestige Industrial) District to permit the proposed use. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the development:

Ministry of the Environment;
Ministry of Transportation;
City Traffic Department;
City Building Department;
Union Gas, Bell Canada, Ontario Hydro.

Hamilton-Wentworth Department of Engineering has made the following comments and recommendations:

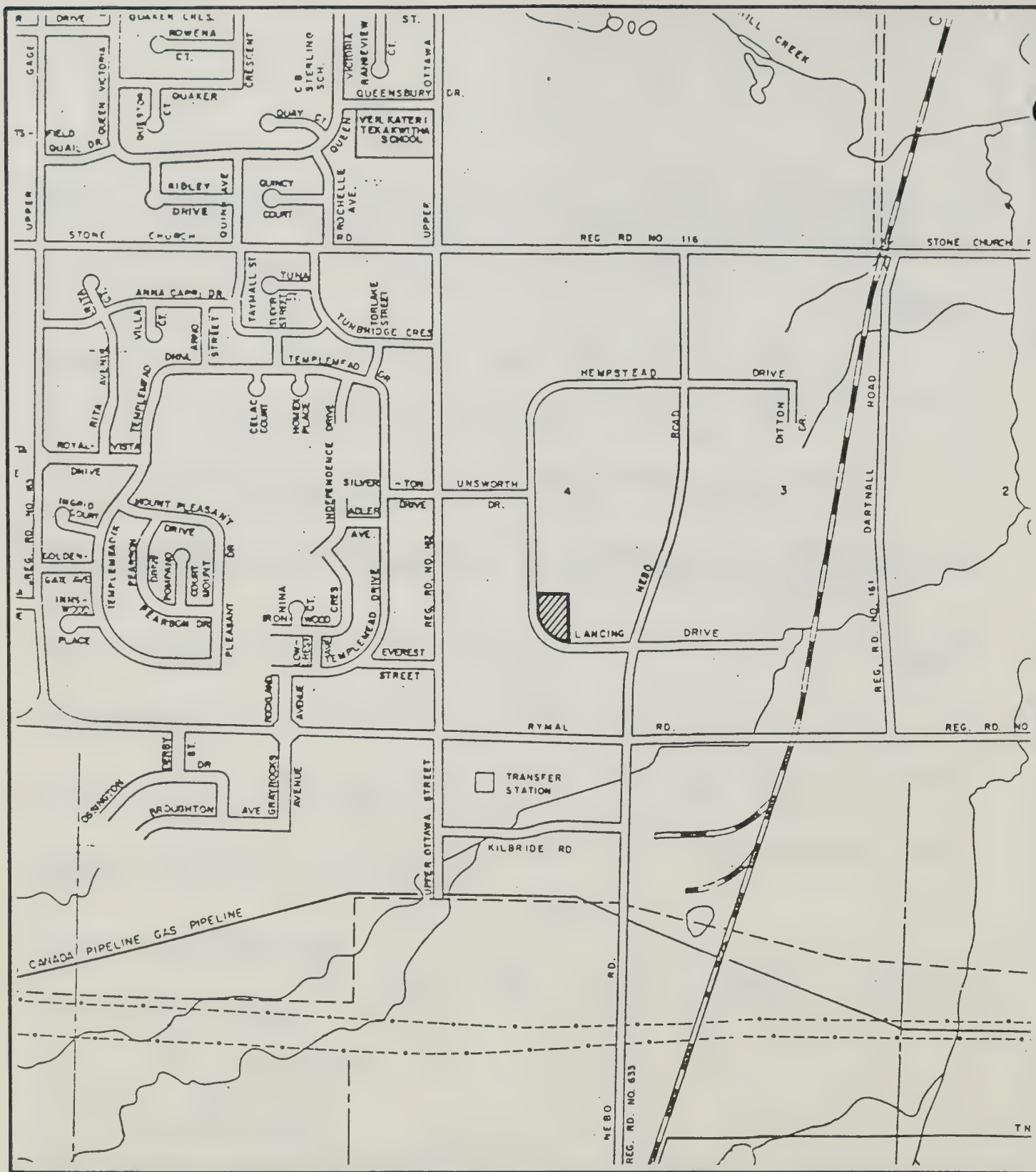
- "1. Public watermains, sanitary sewers and storm sewers are available on Lancing Drive to service the subject lands.
2. The owner is to satisfy the Region's financial requirements prior to the release of the final plan of condominium.

The submitted plan, as prepared by John Boyd, O.L.S., and dated May 17, 1989, is satisfactory to this Department, subject to the above-noted comments and recommendations."

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The land of the proposed draft plan is Lot 25 of Registered Plan M-489 as approved by Regional Council.
4. The owner received approval of a Site Plan under DA-89-16 which was approved on March 15, 1989. The draft plan of condominium conforms with the approved plan of DA-89-16.

JLS/jd



Location Plan For

PROPOSED CONDOMINIUM

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale
NOT TO SCALE

Date
MAY 19, 1989

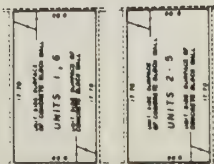
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25CDM - 89013

Drawing No.



TYPICAL UNIT DIMENSIONS

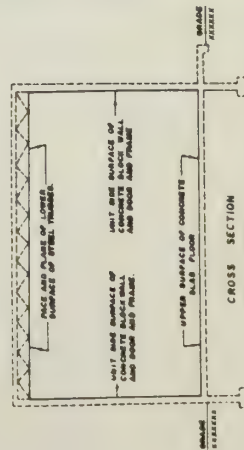
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SCHEDULE RE-SECTION 50(2) OF THE PLANNING ACT

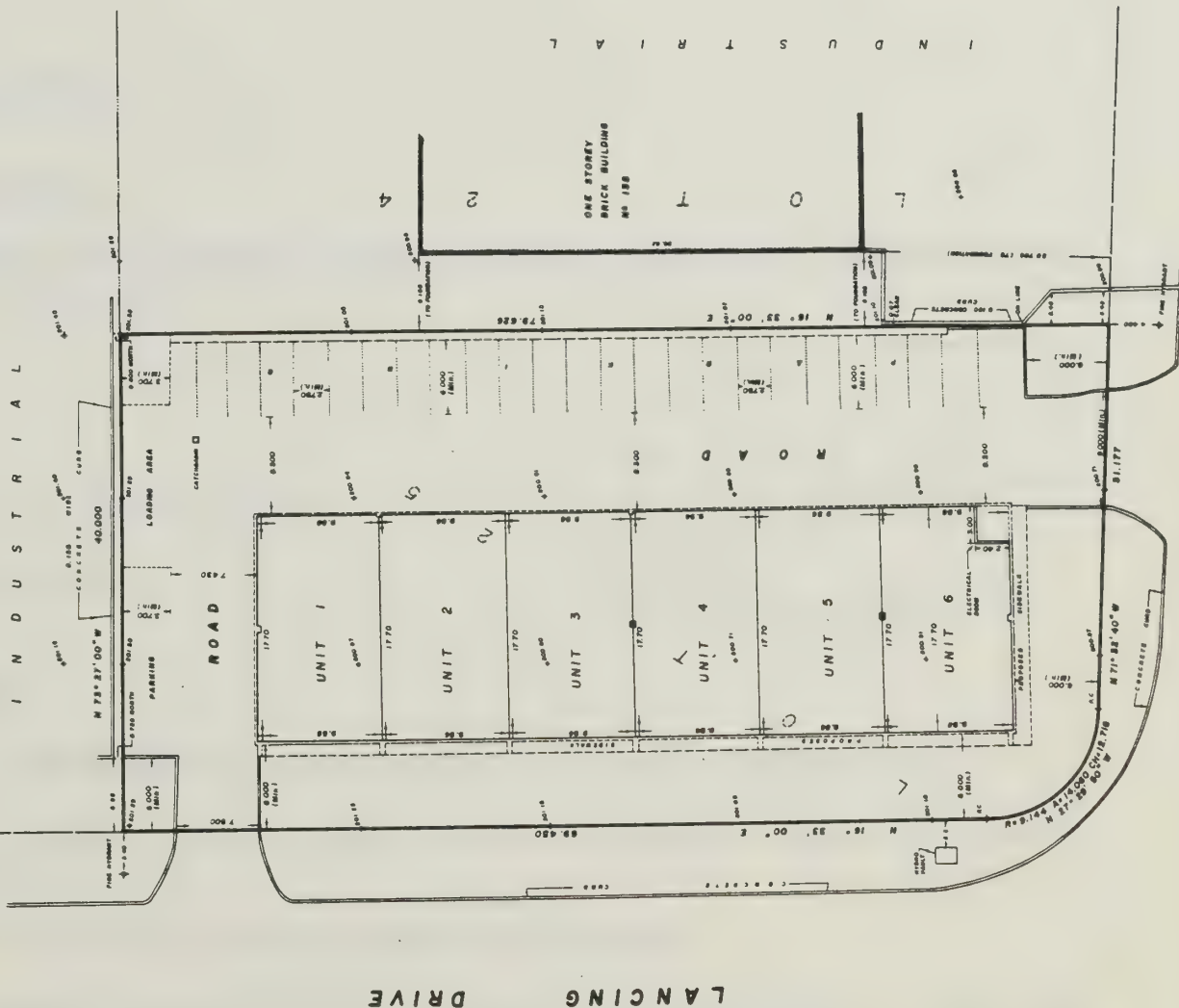
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METRIC:
DISTANCES AND ELEVATIONS ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING
BY 0.3048.



L O T 2 6

I N D U S T R I A L



DRAFT PLAN OF CONDOMINIUM
COMPRISING
ALL OF LOT 25
ACCORDING TO
RYMAL INDUSTRIAL ESTATES NO. 1
IN THE
REGISTERED PLAN NO. 62M-489
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH
J.D. BARNES LIMITED.
1989.

OWNER'S CERTIFICATE
WE HEREBY CERTIFY THAT
THIS PLAN IS A DRAFT PLAN OF CONDOMINIUM
AND IS SUBJECT TO REVISION AND AMENDMENT.
DATED THIS 20th DAY OF MAY 1989.
J.D. BARNES LIMITED
DOROTHY BARK - PRESIDENT
I HAVE THE AUTHORITY TO SIGN THE CERTIFICATE.

CAUTION
THIS PLAN IS A DRAFT PLAN OF CONDOMINIUM ONLY
AND IS SUBJECT TO REVISION AND AMENDMENT.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT
THE BOUNDARIES OF THE LANDS UNDER APPLICATION
HAVE BEEN SURVEYED AND PLANNED IN ACCORDANCE
WITH THE ACT AND THE REGULATIONS THEREUNDER.
DATE MAY 17/89.
John B. B. B.

J.D. BARNES LIMITED
SURVEYING
LAND INFORMATION SERVICES
OFFICE OF THE
400 - 10 JAMES STREET
HAMILTON, ONTARIO
L8N 2K5
PHONE: (416) 521-1000
FAX: (416) 521-1001
L.S. 100-100-100-100

FOR ACTION

12.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1989 SEPT. 1

COMM FILE:

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DEPT. FILE: P5-2-21

SUBJECT

Hess Block Review
Central Neighbourhood

RECOMMENDATION

That the Planning and Development Department be authorized to proceed with a review of the Hess Block (see attached map).

David Godley

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

- o The Central Neighbourhood Plan designates the Hess Block for industrial purposes.
- o The Hess Block is zoned 'JJ' general industrial with a provision for existing uses only to be permitted.
- o The Hess Block is a mixture of residential and industrial uses.
- o A proposal to redevelop 186-190 for walk up apartments has been made by Cupido Realty along with a request for a review of the Hess Block (see attached letter).

ANALYSIS

The Central Neighbourhood Plan was prepared in 1973 and is somewhat outdated. However, there are other project priorities and a review of the whole neighbourhood is not likely to take place in the foreseeable future. There is merit in examining alternative land uses for the block for the following reasons:

- 1) there is a need for affordable housing;
- 2) the Central Area Plan calls for more housing near the downtown;
- 3) the block abuts residential use and residential zoning on three sides.

A block review would require: ownership land use and condition of buildings and property surveys; analysis; development of alternatives and selection of preferred plan. A public meeting and presentation of a submissions review to Planning Committee would be needed. It is estimated that 25 planner days will be required. Demand responsive time from the Department's work program would be used.

CONCLUSION

The Department should be authorized to proceed with the review as and when staff are available.

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August 25, 1989

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning,
Planning and Development Department,
71 Main St. West,
Hamilton, Ontario
L8N 3T4

CUPIDO REALTY

& INSURANCE LTD. • 90 JOHN ST. S.
REALTOR

PHONE: 528-9841

FAX: 528-4442

HAMILTON, ONTARIO
L8N 2C1

Hess St
Block

Dear Mr. Abraham:

Re: 186-188-190 Queen St. North
Central Neighbourhood
Your file # P5-2-21

As owner of the above captioned properties, I am writing this letter in order to request a Neighbourhood Plan Review for the block bounded by Barton St. West, Hess St. North, Cannon St. West and Queen St. North.

We are requesting this review for the purpose of changing the existing industrial lands to residential in order to allow our proposed development to proceed.

Should you require any further information, please contact me at my office.

Yours truly,

MARIO CUPIDO, R.P.A., R.R.A., C.R.E.A.,
President.
MC/dh

C.C. Alderman Vince Agro
Alderman William McCulloch

FOR ACTION

13.

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

DATE: AUGUST 28, 1989

COMM FILE:

FROM: J. D. Thoms, Commissioner
Planning and Development Department

DEPT. FILE: P6-2A

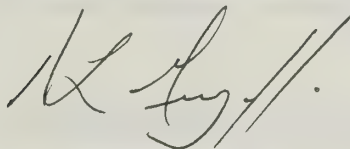
P6-2-80

SUBJECT:

Official Plan Major (Five Year) Review - Authorization for a Public Meeting

RECOMENDATION:

That the Planning and Development Committee direct staff to schedule a public meeting in accordance with Section 26 of the Planning Act to consider draft Official Plan Amendment No. 80, as per the attached APPENDIX "A", resulting from the findings of the Official Plan Major (Five Year) Review.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND:

Section 26 of the Planning Act requires a municipality to hold a special public meeting, at least once every five years, to determine if there is a need to review the Official Plan. In this regard, the Planning and Development Department undertook a major review of the Official Plan's assumptions, objectives, policies and land use designations to determine if the policy directions etc. reflected Hamilton's planning objectives and goals until the year 2001.

The attached Appendices form the draft Official Plan Amendment. In summary,

- 1) The general assumptions and objectives of the Plan remain relevant as a basis for policy direction to guide the City until the year 2001. However, one change is necessary; to adjust the population/design figure developed in the late 1970's to reflect a more realistic figure which is more representative of the current and projected population growth rate;
- 2) The Planning and Development Department's practice to continually monitor the Plan to identify areas in need of revision and to initiate major/minor Official Plan amendments has kept the Plan generally relevant and representative of the long term planning intentions of the City. No major shifts, adjustments or changes in philosophy are required; and,
- 3) While there appears to be numerous changes to the Official Plan, they are minor in nature. Highlights of these changes include:
 - the addition of a new subsection (ie. General Land Use Provisions) to outline uses which are permitted "as-of-right", without locational restrictions or prohibited within the City's boundaries;
 - a reworking of two existing subsections (ie. Airport and Historic/Architectural Resources) to incorporate changing roles and operations;
 - several minor policy changes to clarify wording, to expand policies/procedures, recognize new government ministry names, etc; and,
 - amendments to three Schedules, specifically "A", "B" and "D", to reflect current or proposed land uses, adjust land use boundaries etc..

The intent of the public meeting is to allow the public the chance to comment on the draft Amendment.

JH-E/dkp

A:\PDREPORT.1

APPENDIX "A"

Major (Five Year) Review

**Policy Changes
(Appendix "AA")**

**Schedule Changes
(Appendix "BB")**

DRAFT

DRAFT

1.0) OFFICIAL PLAN

The City of Hamilton's Official Plan "is a comprehensive guide to co-ordinate public and private actions in an orderly manner by defining future relationships among land uses and municipal services." More specifically, the Plan:

- a) identifies a *land use and management strategy* to the year 2001;
- b) provides the framework for the completion of public works and private initiatives in terms of the future growth of the City;
- c) recognizes the neighborhood plans, special studies and zoning by-law as the implementation tools of the Official Plan; and,
- d) functions as an intermediary between the concepts of the Regional Official Plan, Provincial documents such as the Niagara Escarpment Plan, Parkway Belt West Plan, and municipal goals and actions.

The importance of maintaining up-to-date and relevant Official Plan objectives and policies has been expressed through Section 26 of the Planning Act which requires special public meetings be held at least every five years to determine the need for revisions to the Plan.

The City of Hamilton's Official Plan was approved by the Minister of Municipal Affairs and Housing in June 1982. It has been the Planning Department's practice to continually monitor the Plan and identify areas in need of revision. Approximately every two years, the department consolidates all the required changes and initiates an Official Plan Amendment. In addition, the City has initiated major amendments to accommodate changing conditions not originally envisaged by the Official Plan. Listed below is a synopsis of the individual amendments resulting from the monitoring practice.

● Housekeeping Amendments

- 1) O.P.A. 5 introduced four policy wording changes (ie. to loosen land severance policies, broaden the commercial policies) added a new policy, (ie. to allow residential uses in Major Institutional designations), made two Schedule changes and removed Minister's referrals in both the text and Schedules. (Ministry approved - July 1983)
- 2) O.P.A 15 incorporated seven new policy areas and one new Schedule into

the Plan as a result of the new Planning Act R.S.O. 1983. They include:

- Community Improvement Plans and new Schedule "H";
- Alternative Notice Procedures;
- Holding By-law;
- Bonus By-law;
- Interim Control By-law; and,
- Temporary Use By-laws.

(Ministry approved - July 1984)

- 3) O.P.A. 27 introduced ten policy changes (to add flexibility to industrial policies, clarify intent of certain policies), one new policy, (Neighborhood Plan approvals), four Schedule changes and removed Minister's referral and deferrals from the text and Schedules. (Ministry approved - September 1985)
- 4) O.P.A. 46 introduced five policy wording changes (ie. to reorganize the Commercial policies, to update the references to Provincial statutes, etc.) and several Schedule changes. (Ministry approved - April 1987)

● Major Amendments

- 1) O.P.A. 7 incorporated a number of commercial design standards to guide the neighbourhood planning process in the distribution of shopping centers. More specifically, it categorized shopping centers according to their gross floor area and identified the most appropriate area for the centers to locate. These policies now provide the planning rationale for establishing commercial nodes. (Ministry approved - April 1985)
- 2) O.P.A. 22 removed the "staging of development" policies thereby allowing development to proceed south along Upper James Street. The staging policies were artificial barriers to development. It was necessary to delete them in order to accommodate the pressures of development in this area of the City. (Ministry approved - September 1985)
- 3) O.P.A. 28 recognized Upper James Street as major highway oriented commercial corridor by outlining the location and types of uses to be permitted. Further, it provided the basis for more detailed planning through the preparation of Neighborhood Plans and Urban Design Guidelines for the Jerome, Kernighan, Ryckmans, Mewburn, Allison and Kennedy neighborhoods. This amendment was the second step in the "opening up" of Upper James Street. (Ministry

approved - August 1986)

- 4) O.P.A. 62 will implement the Hamilton Beach Concept Plan by introducing land use changes for the Hamilton Beach area. The amendment envisages the Beach strip as a viable residential area coupled with some commercial, open space (pedestrian walkway) and institutional uses. The intent of the current Official Plan policies is to develop the area as a major open space/recreational facility. (Council adopted - November 8, 1988)
- 5) O.P.A. 66 will implement the revised Central Area Plan by introducing a land use guide for the City's core from the present into the next century. Two new land use designations and related policies will also be included. (Council adopted - October 11, 1988)

In addition to the Housekeeping and Major Amendments noted above, there have been 70 other amendments:

- 12 Area Specific Amendments resulting from special studies, Neighbourhood Plan Amendments (ie. Homeside Neighbourhood) or changing development trends (Upper Wentworth Street between Limeridge Road East and Mohawk Road East);
- 58 Site Specific Amendments of which 24 involved the establishment of Special Policy Areas and 34 redesignations (ie. a majority of which related to changes from RESIDENTIAL to COMMERCIAL)

These Official Plan Amendments have been an integral component in keeping the Official Plan updated and ensuring that the City of Hamilton applies planning principles and procedures that are relevant to the community's needs.

2.0) MAJOR OFFICIAL PLAN (FIVE YEAR) REVIEW

This major (five year) review is similar to housekeeping amendments except that it is more comprehensive than previous amendments. The scope of the Review will include an analysis of:

- 1) the broad concepts, assumptions and objectives which form the basis of the Plan;
- 2) the Subsections as a whole and the policies contained therein;
- 3) the Schedules, in particular how the Land Use Concept designations mesh with Neighbourhood Plans.

2.1) REVIEW PROCESS

At the onset of the Review, various departments were requested to examine existing Subsections and policies to determine if they were still relevant to their Departmental (Engineering, Traffic, Library, H.S.R. and Parking Authority) operations, or if additional policies were needed to incorporate current conditions. The changes proposed are the result of a co-ordinated effort between City/Regional departments and agencies.

Further, the City's Strategic Plan and the Region's Economic Strategy were considered in this review to determine if the goals and objectives conflict with the Official Plan policies. In fact, many of the goals identified are compatible; for example:

- the expansion of GO Transit;
- the construction of the north/south/east/west transportation corridor;
- the development of a housing strategy; and
- the strengthening of the Central Area.

The Official Plan contains policies directly relating to issues such as the above.

2.2) ANALYSIS OF ASSUMPTIONS AND OBJECTIVES (STRATEGIES)

Since the adoption of the Official Plan in 1982, the Plan's original assumptions and objectives have not been tested to ensure that they are still applicable. It is the intent of this Review to assess these elements to determine if they still provide the appropriate policy direction to the year 2001.

The introduction to the Official Plan is divided into several key parts: purpose, basis, assumptions, and objectives. The purpose and the basis of the Plan did not require a change since the information is factual rather than philosophical.

2.2.1) Assumptions:

There are three basic assumptions or premises on which the Plan is based:

- 1) The City will continue be the major urban center of the Region;
- 2) The City will be able to accommodate 386,000 persons until the year 2001;
- 3) The majority of growth will be on the south mountain with some redevelopment in the lower city.

Assumption 1: Hamilton being the largest municipality in the Region in terms of population offers the largest array and number of goods, services, and employment opportunities. Due to the nature of its function and size, it is and will remain the major urban center for the Region. This is consistent with the thrust of the Regional Official Plan and Regional Economic Strategy.

Assumption 2: The population figure of 386,000 was considered both as a design figure and a projected population to be for Hamilton at the beginning of the 21st Century. It was developed in the late 1970's, in the preparation of the Regional Official Plan, when growth patterns, social and demographic characteristics were very different from those that the City experiences today. In addition, this figure was based on a simplistic statistical method which created a very optimistic growth rate. A review of this figure revealed that it does not accurately reflect the growth rate in the City. Accordingly, it is more realistic to use recent and more statistically sophisticated population projections which have indicated that Hamilton will experience a stable growth rate resulting in a projected population of approximately 311,00 persons by the year 2006.

Accordingly, Assumption 2 should be re-worded to read as follows:

"Recent population projections assumes a stable population growth rate over the next 15 years and a anticipated population of 311,000."

Assumption 3: The development potential in the City is primarily based in the south mountain area with some redevelopment occurring in the lower City. This assumption is accurate since the majority of vacant land is located in the south mountain. Further, redevelopment historically has taken place in the older areas of the City where buildings become obsolete and/or infill opportunities exist.

2.2.2) Objectives:

The objectives of the Official Plan are based on the planning principle that the urban fabric is composed of land uses, and hard and soft services which have been arranged to create a functional, aesthetically pleasing, socially acceptable and cost efficient environment for the citizens. This fabric is complex and multi-faceted. Any change or alteration to just one element of this fabric affects part or all other elements. Accordingly, the City of Hamilton Official Plan has established three main *strategies* (objectives) based on this principle, and a method of implementing them. They include:

- a) Land use and Management Strategy;
- b) Servicing Strategy;
- c) Amenity and Design Strategy; and,
- d) Implementation.

More specifically:

- 1) The objectives of the LAND USE AND MANAGEMENT STRATEGY are:
 - to ensure a desirable mix of land uses which complement each other;
 - to identify and designate land uses to maximize services and utilities; and,
 - to promote the Central Area as the commercial, economic and social center of the Region and two sub-regional centers as commercial nodes.

- 2) The objectives of the SERVICING STRATEGY are:
 - to encourage the orderly and economic extension of municipal services and works;
 - to ensure that Engineering Services (ie. Water Distribution, Sewage treatment, etc.) are provided or improved in response to the City's growth; and,
 - to develop and maintain an accessible and conflict free circulation and movement system.

- 3) The objectives of the AMENITY AND DESIGN STRATEGY are:
 - to provide Community Services commensurate with the City's growth;
 - to ensure that the environment of the City is enhanced through the mitigation of pollution; the retention and promotion of trees and landscaping; promoting safety; the rehabilitation and maintenance of existing buildings;
 - to promote and protect the City's heritage resources;
 - to promote and encourage the provision of a variety of dwelling units for all income levels; and,
 - to promote energy conservation throughout the City.

- 4) The IMPLEMENTATION section of the Official Plan outlines the tools, statutory powers and means which give effect to the policies. The section is divided as follows:
 - Regional Official Plan;
 - Zoning By-law;

- Neighborhood Plans;
- Planning Act;
- Municipal Act and other statutes; and,
- financial stability of the City.

The objectives of the Official Plan are of paramount importance in the formulation of new planning policies and/or amendments to existing ones. This is consistently being applied as evidenced by the following examples :

1) Central Area Plan Update

In 1988, the Central Area Plan Update was completed. The Plan reinforced a major objective of the Official Plan by promoting the Central Area as the social and economic center of the Region. In fact, the importance of the Central Area resulted in Official Plan Amendment No. 66. The Amendment is site specific in that it specifies in greater detail (than the current policies) the land uses, urban design and amenity strategies envisioned for the Central area until the year 2001.

2) Preparation of Neighbourhood Plans

Neighbourhood planning for undeveloped areas focuses on the physical design of a specific area of the City. It provides for a variety of land uses which complement each other; and a circulation and movement system that maximizes energy efficiency, safety etc. It is important to note that neighborhood plans are prepared when sewer construction is imminent. This established procedure further reflects the Official Plan objective of maximizing services by discouraging "leap frog" development.

3) Assessment of Development Applications

The merits of all development applications (zoning, subdivision etc.) are tested for compliance to the policies of the Plan. On a daily basis this testing (compliance) process permits an examination of the relevancy of the affected policies. When they are judged to be no longer flexible or reasonable in an attempt to achieved a desirable development pattern then they are amended; thereby ensuring that the policies are kept current and relevant.

Implementation of the Official Plan is critical in the realization of the objectives. It is imperative that the policies contained in the IMPLEMENTATION section are kept current with the latest implementation methodologies. Accordingly, they are updated from time to time by way of an Official Plan Amendment. For example, O.P.A No. 15 introduced several policy changes and additions as a result of Amendments to the Planning Act.

Based on the review above, it is clear that the objectives of the Official Plan remain current, relevant and responsive to changing conditions internal and external to the City.

2.3) REVIEW OF SUBSECTIONS/POLICIES

The Subsections and the policies contained therein were reviewed in tandem. As a result, a number of changes are being proposed; they run the gamut from major subsection changes to minor wording changes.

Appendix "AA" contains a detailed explanation of why these amendments are necessary as well as the changes proposed.

One major change, resulting from this review, is the addition of a new Subsection A.5 - GENERAL LAND USE PROVISIONS. The purpose of this new Subsection is to identify land uses which are permitted "as-of-right", without locational restrictions or prohibited within the City. A General Provisions section is common to the City's Zoning By-law as well as many other municipal Official Plans.

Other various subsection and policy amendments are necessary for the purposes of:

- clarifying wording to ensure the intent of the policy is being maintained; consistency among policies (ie. cross references among policies and/or subsections to contain same wording), etc.;
- recognizing the changing roles, operations of various agencies and departments (ie LACAC, Airport);
- including new policies as a result of Council directives, (ie day nurseries), new planning objectives (ie. GO Transit);
- recognizing new Ministry and Department names; and,
- expanding policies to include uses, procedures etc. not envisioned in 1982.

The local commercial policies in Subsection A.2.2 will be reviewed at a later date.

2.4) SCHEDULE CHANGES

Through the day to day administration and interpretation of the Official Plan the Schedules (maps) come under close scrutiny.

Appendix "BB" identifies the Schedule changes proposed for the purposes of:

- recognizing existing land uses. Most of these uses (ie. churches, schools) are permitted as-of-right in the various zoning districts but were not reflected in the O.P.;
- adjusting land use designation boundaries;
- reflecting land use changes which have resulted from economic and demographic changes (ie. closure of a school and the land use changed to residential); and
- recognizing land exchanges between property owners (i.e. City and School Board).

2.5) OTHER OFFICIAL PLAN CHANGES

Subsection D.9.3 of the Official Plan permits changes to the Official Plan that are minor in nature (typographical errors, format changes, or approvals pursuant to the Planning Act etc.) without holding a public meeting. Since the following change is considered minor in nature, it is contained in this report for information only.

On January 12, 1988 City Council approved the annexation of a parcel of land from Stoney Creek. On September 1, 1988, the Lieutenant Governor in Council approved the annexation which came into effect on January 1, 1989.

Change 1:

To amend Schedules "A", "B", "C", "D", "F", "G", "H" of the Official Plan to include a parcel of land (located south of King Street East, north of the T.H. & B. tracks and west of Centennial Parkway) recently annexed by the City from Stoney Creek.

Change 2:

To amend Schedule "A" to designate the subject lands RESIDENTIAL.

3.0) CONCLUSIONS

This report fulfills the requirements of Section 26 of the Planning Act which requires the municipality to hold a public meeting, at least every five years, to determine the need if a review of the Official Plan is required.

Detailed below is a summary of the findings identified in this Major (Five Year) Review:

- 1) The general assumptions and objectives of the Plan remain relevant as a basis for policy direction to guide the City until the year 2001. However, one change is necessary; to adjust the population/design figure developed in the late 1970's to reflect a more realistic figure which is more representative of the current and projected population growth rate.
- 2) The Planning and Development Department's practice to continually monitor the Plan to identify areas in need of revision and to initiate major/minor Official Plan amendments has kept the Plan generally relevant and representative of the long term planning intentions of the City. No major shifts, adjustments or changes are required.
- 3) The substantive changes to the Official Plan include: the addition of a new subsection, major reworking of two existing subsections (ie. Airport and Historic/Architectural Resources); as well as numerous policy changes. In addition, amendments to three Schedules, specifically "A", "B" and "D", are required to reflect current or proposed land uses, adjust land use boundaries etc..

A:5YRINTRO

APPENDIX "AA"

SUBSECTION AND POLICY CHANGES

REVIEW OF SUBSECTIONS/POLICIES

DRAFT

Section A - Land Use and Management Strategy

1) SUBSECTION A.1 - ANTICIPATED GROWTH

Issue A: Population figures from provincial assessment counts are no longer available on an annual basis.

Change:

Revise Policy A.1.1 by replacing the words, "an annual" with the words, "a regular" so that the entire policy reads as follows:

"1.1 Council will monitor, on a regular basis, population growth and related housing needs in order to identify required amendments to this Plan, or Neighbourhood Plans, and/or Five-Year Capital Works Program."

2) SUBSECTION A.2.1 - RESIDENTIAL USES

Issue A: Local commercial uses are subject to several policies within Subsection A.2.2. Therefore, it would be more accurate to refer to the entire Subsection instead of only specific sections (ie. General Provisions).

Changes:

Amend existing Policy A.2.1.3 iv) by:

- i) deleting "the Local Commercial Uses and General Provisions" in the third line and replacing it with "the Commercial Policies as";
- ii) replacing the word "Stations" in the second line with "Centres"

so that the entire policy reads as follows:

- "2.1.3 iv) Limited individual or groups of commercial uses on sites not exceeding .4 ha in area, excluding Automobile Service Centers, in accordance with the Commercial policies as set out in Subsection A.2.2 of this Plan."

3) **SUBSECTION A.2.2 - COMMERCIAL USES**

Issue A: There is a need to clarify the wording of Policy A.2.2.2.

Change:

Revise Policy A.2.2.2 by:

- i) deleting the word "convenience" in the fourth line; and,
- ii) adding the words "of a convenience type" after the word "Commercial Uses"

so that the policy reads as follows:

"2.2.2 Council recognizes that the COMMERCIAL structure of the City operates within a hierarchy of categories ranging from the Central Policy Area (which, as defined by the Regional Official Plan, is intended to function as the "Regional Centre"), to Local Commercial Uses of a convenience type."

Issue B: As a result of O.P.A. No. 27, residential uses are subject to Policy A.2.2.1 i) and other related commercial policies instead of the General Provision clauses only.

Change: Revise Policy A.2.2.7 by:

- i) deleting the words "General Provisions of this Subsection" in the last line; and,

- ii) replacing it with "provisions of Policy 2.2.1 i) and any other related policies as set out in this Subsection";

so that the policy reads as follows:

"2.2.7 Residential uses may be permitted where they will not restrict or interfere with the function of the primary permitted uses, subject to the provisions of Policy 2.2.1 i) and any other related policies as set out in this Subsection."

Change: Revise Policy A.2.2.17 by:

- i) deleting the words "General Provisions of this Subsection" in the last line; and,
- ii) replacing it with "provisions of Policy 2.2.1 i) any other related policies as set out in this Subsection";

so that the policy reads as follows:

"2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the provisions of Policy 2.2.1 i) and any other related policies as set out in this Subsection."

Issue C: Policy A.2.2.19 requires regional approval for extension of all commercial areas. The intent of the Policy is to ensure that commercial development will not impact the Regional road system. Accordingly, it is necessary to identify which are the Regional roads: they are identified on Schedule "F".

Change:

Amend existing Policy A.2.2.19 on the following basis:

- i) to add a colon after the words, "permitted where":

- ii) to add a semi-colon after the words, "be created";
- iii) to add the words, "on arterial roads identified on Schedule "F" ", after the words, "created and"; and,
- iv) to delete the words "subject to the approval of the Region." in the fifth line;

so that the entire policy reads as follows:

"2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and, on Arterial Roads identified on Schedule "F".

Issue D: Policy A.2.2.29 refers to all commercial developments that contain residential units. The intent of the stringent policy requirements-is to apply only to major mixed commercial/residential developments and not to include small developments (e.g. an apartment over a store). The requirements refer to separate amenity areas, customer parking etc.

Change:

Revise Policy A.2.2.29 by replacing the words, "Any structure" with the words, "Major structures" so that the entire policy reads as follows:

"2.2.29 Major structures containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL."

Issue E: The Official Plan contains policies governing gas stations (both self-serve and full serve with a repair garage). However, public garages (auto repair

establishments) and car washes which do not sell gasoline are not covered by these policies. It is appropriate that such uses be subject to the same requirements as gas stations due to the nature of their operations and potential impacts on adjacent uses.

Change:

Delete Policy A.2.2.30 and replace it with the following two new policies:

"2.2.30 AUTOMOBILE SERVICE CENTRES will include land or buildings used for the purposes of selling motor vehicle fuels; carrying out automotive repairs and/or providing car washes. The preferred location for AUTOMOBILE SERVICE CENTRES will be adjacent to the intersection of major roads."

"2.2.31 In considering proposals for new AUTOMOBILE SERVICE CENTRES, Council will require that the following provisions are complied with in all respects:

- i) Where AUTOMOBILE SERVICE CENTERS are located in a Shopping Center, the structure(s) will be physically separated from the major activity areas and buildings of the Shopping Center and be in close proximity to the major roads providing access; and,
- ii) AUTOMOBILE SERVICE CENTERS will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of their location and operation."

Change:

Renumber subsequent policies accordingly.

4) SUBSECTION A.2.3 - INDUSTRIAL USES

Issue A: At its meeting of June 28, 1988, Council approved amendments to both the Official Plan and Zoning By-law to allow day nurseries in industrial areas. (see

Issue 8)

Change:

Revise policy A.2.3.1(ii) by adding the words, "day nurseries" after the words, "material suppliers", so that the entire policy reads as follows:

- "2.3.1 ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, day nurseries, etc., which are intended to directly serve the Industries and their personnel."

Issue B: It is necessary to clarify the wording of Policy A.2.3.2.

Change: Revise Policy A.2.3.2 by replacing the word "some" with "an", deleting the letter "s" from the word "elements" and replacing the word "are" with "is" so that the policy reads as follows:

- "2.3.2 ... However, an element of the hierarchy is shown on Schedule "B" as Special Policy Area 11 and as set out in Subsection A.2.9.3. The location and distribution of additional categories will be identified through Neighbourhood Plans."

Issue C: The intent of Policy A.2.3.16 is to apply Site Plan Control to the industrial districts in both the East Mountain Industrial Park and the West Hamilton area ("M-11" to "M-15" Districts) only. However, the Policy as it is currently worded, applies to many other industrial areas of the City (ie. "J", "K") as well. In addition, any development abutting the Conservation land must be placed under Site Plan Control to ensure that any impacts are minimized.

Change:

Revise Policy A.2.3.16 by:

- i) deleting the word "All" in the first line;
- ii) deleting the word "will" in the first line and replacing it with the word "may";

- iii) adding the following sentence to the end of the policy "However, LIGHT INDUSTRIAL developments in the Prestige Industrial Districts will be subject to Site Plan Control."

so the entire policy reads as follows:

"2.3.16 New developments in the LIGHT INDUSTRIAL category may be subject to site plan control as provided by the Planning Act. However, all developments in the Prestige Industrial Districts will be subject to Site Plan Control."

Issue D: As result of a modification to Policy A.3.2.16., a change to Policy A.3.2.24 is required.

Change:

Revise Policy A.2.3.24 by:

- i) deleting "in addition to all Light INDUSTRIAL developments."
- ii) adding the phrase ""unless Council is satisfied that the impacts on the adajcent land uses are minimal."

so that entire policy reads as follows:

"2.3.24 Site Plan Control may be applied to any INDUSTRIAL development. However, it will be required for all INDUSTRIAL developments abutting lands designated Open Space and Hazard Lands unless Council is satisfied that the impacts on the adajcent land uses are minimal."

5) SUBSECTION A.2.4 - OPEN SPACE

No Changes

6) SUBSECTION A.2.5 - OPEN WATER

No Changes

7) SUBSECTION A.2.6 - MAJOR INSTITUTIONAL USES

Issue A: Residential uses which locate within MAJOR INSTITUTIONAL areas are not subject to the same requirements that residential development in RESIDENTIAL areas must meet. To ensure consistent development standards for residential uses, it is appropriate to revise the policy accordingly.

Change:

Revise policy A.2.6.5 by:

- i) deleting the word "USES" in the second line;
- ii) inserting the phrase, "and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan" after the words, "surrounding area" so that the entire policy reads as follows:

"2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan."

Issue B: The current MAJOR INSTITUTIONAL policies do not promote the joint use of facilities such as a school site for recreational purposes whereas the Community Services Section does. Joint use facilities are in existence in many areas of the City and they should be recognized accordingly.

Change:

Insert a new policy A.2.6.6 as follows:

"2.6.6 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, recreational uses ancillary to the primary MAJOR

INSTITUTIONAL use may be permitted, provided that they are compatible with the surrounding area."

Issue C: At its meeting of June 28, 1988, Council approved amendments to both the Official Plan and Zoning By-law to allow day nurseries in institutional areas. (see Issue 5)

Change:

A new policy, A.2.6.7, be inserted in Subsection A.2.6 MAJOR INSTITUTIONAL USES to read as follows:

"2.6.7 Council will encourage the establishment of Day Nurseries in areas designated MAJOR INSTITUTIONAL where:

- i) adequate on-site parking is available;
- ii) a drop-off/pick-up area can be provided; and,
- iii) noise and traffic problems are not created."

8) SUBSECTION A.2 7 - UTILITY USES

Issue A: Policy A.2.7.1 restricts parking areas, other than those associated with warehouses, from locating on lands designated UTILITIES. The intent of the policy is to allow parking areas associated with a variety of uses not just warehouses.

Changes:

Revise Policy A.2.7.1 by:

- i) deleting the words "and parking areas" in the third line;

- ii) deleting "and" in the fourth line; and,
- iii) adding "and parking areas" in the fourth line;

so that the entire policy reads as follows:

"2.7.1 The primary uses permitted in the areas designated on Schedule "A" as UTILITIES will be for passenger terminals; freight handling facilities and related storage; railway, warehousing; electric power facilities; pipelines and natural gas lines; major road facilities; and parking areas. Recognizing the difficulty of predicting the advent of new UTILITIES, only those facilities which are committed for development and/or are prioritized and where their location is known have been identified."

9) SUBSECTION A.2.8 - CENTRAL POLICY AREA

Issue A: To ensure that residential uses are subject to all relevant policies of the Plan and that Policy A.2.8.1 is clear, minor wording changes are necessary.

Changes:

Revise policy A.2.8.1 ii) by:

- i) adding the words, "of this Plan" after the words 'and C.7';
- ii) deleting the word "housing" in the second line and adding it to the first line between the words 'various' and 'types';
- iii) replacing the word "row" with "townhouses";

so that the entire policy reads as follows:

"2.8.1.ii) Residential Uses of various housing types, including, but not limited to, single-family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as Subsections A.2.1 and C.7 of this Plan."

10) SUBSECTION A.2.9. - SPECIAL POLICY AREAS

No Changes (entire Subsection)

11) SUBSECTION A.3.1 - HAZARD LANDS

Issue A: There are no policies currently in place which would allow buildings or structures destroyed by fire or natural disasters to be re-built on the subject lands. It is appropriate to include such a policy so that the structures could be re-built.

Addition: To add a new clause vi) to Policy 3.1.2 which reads as follows:

"3.1.2 vi) Where an existing building or structure lying within all or part of the HAZARD LANDS is destroyed in a manner not related to the inherent environmental hazards of the land, Council may permit the building or structure to be re-built provided that:

- a) Council and the Conservation Authority having jurisdiction over the land are satisfied that it will not be endangered by the environmental hazard specific to the site."

12) SUBSECTION A.3.3 - NON COMPLYING USES

No Changes

13) SUBSECTION A.3.4 - DIVISION OF LAND

No Changes

14) SUBSECTION A.4 - CENTRAL AREA PLAN

Pending OMB Approval.

15) SUBSECTION A.5 - GENERAL LAND USE PROVISIONS (new Subsection)

See Page A29.

● **Section B - Servicing Strategy**

16) **SUBSECTION B.1 - DEVELOPMENT AND SERVICING EXTENSIONS**

No Changes

17) **SUBSECTION B.2.1 - WATER DISTRIBUTION**

No Changes

18) **SUBSECTION B.2.2 - SEWAGE DISPOSAL**

Issue A: Sewage Disposal is the sole responsibility of the Region. Accordingly the following policies should be changed to reflect the appropriate jurisdiction.

Changes: Amend Policy B.2.2.1 by:

- i) deleting the words ",with the co-operation of the Region, require"; and,
- ii) adding "encourage the Region to ensure" in its place;

so the policy reads as follows:

"2.2.1 Council will encourage the Region to ensure that all new development in the City....."

Changes: Amend Policy B.2.2.2 by:

- i) deleting the words "co-operate with"; and,
- ii) replacing it with "encourage";

so that the entire policy reads as follows:

"2.2.2 In accordance with the intent of the Regional Official Plan, Council will encourage the Region to investigate and implement methods of treating storm run-off and overflow from combined sewers in the

City."

19) SUBSECTION B.2.3 - STORM DRAINAGE

Issue A: Policy B.2.3.2. should be clarified to reflect the Region's and City's jurisdiction respecting storm drainage and sanitary sewers.

Change: Amend Policy B.2.3.2 by adding the words "co-operate with the Region, to" between 'will' and 'ensure' in the first line so the entire Policy reads as follows:

"2.3.2 Council will co-operate with the Region to ensure that all STORM DRAINAGE facilities are constructed completely separate from Sanitary Sewer facilities and encourage, where feasible, the separation of existing combined systems when appropriate opportunities arise."

20) SUBSECTION B.2.4 - SOLID WASTE DISPOSAL

Issue A: The sanitary landfill site in the East Mountain is closed and therefore, Policy B.2.4.5 which deals with possible alternative land uses, is no longer applicable.

Change: Delete Policy B.2.4.5 in its entirety and renumber all subsequent policies.

21) SUBSECTION B.3.1 - ROAD NETWORK

Issue A: Upper Horning Road will no longer be an access for the east/west transportation facility so Policy B.3.1.7 should be amended accordingly.

Changes: Revise Policy B.3.1.7 by:

- i) deleting the word "facilities" and replacing it with "facility";
- ii) deleting "Upper Horning Road" in subclause i);
- iii) renumbering subsequent sub-clause; and,

iv) adding the word "Avenue" after "Upper Gage" in existing sub-clause v);

so that the entire policy reads as follows:

"3.1.7 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to protect lands for the purposes of future controlled access interchanges to the proposed east-west transportation facility in the vicinity of:

- i) Garth Street;
- ii) Upper James Street;
- iii) Upper Wentworth Street;
- iv) Upper Gage Avenue; and,
- v) The northern extension of Dartnall Road.

Issue B: The Ministry of Transportation and Communications has changed its name to the Ministry of Transportation.

Change:

Revise Policy B.3.1.4 i) by deleting and Communications" from the fourth line so that the entire policy reads as follows:

"3.1.4 i) INTER-REGIONAL HIGHWAYS will have right-of-way widths and design standards adequate to accommodate long distance traffic; the right-of-way widths and design standards under the jurisdiction of the Province are determined by the Ministry of Transportation."

22) SUBSECTION B.3.2 - PUBLIC TRANSIT

Issue A: All references to "Transit Authority" should be changed to "Regional Transportation Department".

Change: Amend Policies 3.2.1, 3.2.2, and 3.2.8 by;

- i) deleting the words "Transit Authority"; and,

- iii) The funds collected from the Cash-in-lieu policy will be used for the acquisition of lands and/or the provision of off-street PARKING throughout the City, where Council deems it appropriate."

Issue B: To clarify the intent of the temporary parking provisions minor wording changes are required.

Change:

Revise policy B.3.3.9 by inserting the words, "notwithstanding their designations on Schedule "A"," after the words, "PARKING lots" so that the policy reads as follows:

- "3.3.9 In accordance with The Planning Act, and Subsection D.3 of this Plan, those lands that are vacant and which can be advantageously utilized to relieve PARKING difficulties in the City, may be authorized by Council to be used as "temporary" PARKING lots, notwithstanding their designations on Schedule "A", subject to the following:..."

24) SUBSECTION B.3.4 - PEDESTRIAN AND BICYCLE CIRCULATION

Issue A: Policy B.3.4.1 requires updating to reflect the recent establishment of a bikeway system both within the City and between municipalities.

Changes:

Revise Policy B.3.4.1.by:

- i) deleting the word "and" in the fourth line and replacing it with the word "or";
- ii) deleting the sentence "In this regard, Council will undertake a detailed investigation of such a stem which will lead to implementation through the preparation of Neighbourhood Plans";

- iii) adding the sentences "The location of bikeways, and pedestrian paths may be detailed through the preparation of Neighbourhood Plans. Further, where feasible, Council will continue to implement a "link-node" system."

so the entire Policy reads as follows:

- "3.4.1 Council will promote the development of a "link-node" system which will link major PEDESTRIAN destinations such as Schools, Parks and Commercial areas (e.g. the Central Policy Area) by PEDESTRIAN paths, sidewalks along certain roads or BICYCLE routes. The location of bikeways, and pedestrian paths may be detailed through the preparation of Neighbourhood Plans. Further, where feasible, Council will continue to implement a "link-node" system."

25) SUBSECTION B.3.5 - RAIL SERVICE

No Changes

26) SUBSECTION B.3.6 - MARINE SERVICE

No Changes

27) SUBSECTION B.3.7 - AIR SERVICE AND THE HAMILTON CIVIC AIRPORT

Issue A: On September 1, 1985, the management of the Hamilton Airport was transferred from the City of Hamilton to the Regional Municipality of Hamilton-Wentworth. The Official Plan policies must be updated to reflect this change and the airport's new name. Accordingly, Subsection B.3.7 should be amended as follows:

Change 1:

Rename Subsection B.3.7. to "AIR SERVICE - HAMILTON AIRPORT"

Change 2:

Amend the preamble as follows:

"It is the general intent of this Plan to recognize the importance of the Hamilton Airport to the City and the Region. Accordingly, the City will co-operate with all levels of government and private agencies to provide safe and efficient AIR SERVICE."

Change 3:

Amend policy B.3.7.1. as follows:

- i) to delete the word "civic" in the first line; and
- ii) to replace the words "co-operate with" to "encourage" in the third line.

The paragraph as amended should read as follows:

"Council recognizes the importance of the HAMILTON AIRPORT for the growth and development of the City and Region. In this regard, Council will encourage all other agencies of government and private authorities to enhance AIR SERVICE to meet the future travel needs by means of:

- i) Modernization and expansion of existing facilities;
- ii) Construction of new runways; and
- iii) Improving ancillary uses associated with the operation of the AIRPORT such as access and Engineering Services."

Change 4:

To delete Policies 3.7.2 and 3.7.3 in their entirety.

28) SUBSECTION B.4 - UTILITY SERVICES

Issue A: The title in Subsection B.4 - Utility Services is almost identical to the

land use designation "UTILITIES". The designation is general in nature but Subsection B:4 is specific. Accordingly, the title "Utility Services" should be changed.

Change 1:

Rename Subsection B.4 to "PUBLIC UTILITY SERVICES"

Section C - Amenity and Urban Design

29) SUBSECTION C.1 - COMMUNITY SERVICES

No Changes

30) SUBSECTION C.1.1 - PARKLANDS

No Changes

31) SUBSECTION C.1.2 - SCHOOLS

No Changes

32) SUBSECTION C.1.3 - LIBRARY SERVICES

Issue A: Minor wording changes and a format change is required to ensure the policies remain relevant.

Change 1: Amend Policy 1.3.1 as follows by:

- i) adding the word "public" in the first line;
- ii) rewording the phrase "Libraries should be located" to read "The Hamilton Public Library Board should consider new locations"; and,
- iii) renumbering Policy 1.3.1 iii) to Policy 1.3.3;

so that the policy reads as follows:

"1.3.1 Should established public LIBRARY facilities become functionally and locationally inadequate to serve area residents due to population growth and user demands, Council will encourage the Hamilton Public Library Board to provide alternative or additional branch LIBRARIES. To ensure the provision of suitable LIBRARY sites, Council will encourage the inclusion of the Library Board in the planning of civic developments. The Hamilton Public Library Board should consider establishing new locations in accordance with the following provisions:

- i)
- ii)"

Change 2: Amend Policy 1.3.2 as follows by:

- i) deleting the word "will" in the first line and replacing it with the word "should"; and,
- ii) deleting the phrase "South Central Regional Library System" and replacing it with "Ontario Library Service South";

so the entire policy reads as follows:

"1.3.2 The Hamilton Public Library Board should be encouraged to continue to co-operate with the Ontario Library Service South in order to maximize and enhance the level of service to City residents."

33) SUBSECTION C.2 - SAFETY AND CONVENIENCE

No Changes

34) SUBSECTION C.3 - TREE PLANTING AND LANDSCAPING

No Changes

35) SUBSECTION C.4 - POLLUTION

Issue A: Policy 4.1 refers 'any International Joint Commission' when in fact there is only one.

Change:

Revise Policy C.4.1 by replacing the word "any" in the first line with the word "the" so that the entire policy reads as follows:

"4.1 Council will encourage appropriate Provincial and Federal agencies, including the International Joint Commission, to achieve a continuing reduction in levels of POLLUTION originating beyond the Region.

36) SUBSECTION C.5 - PROPERTY MAINTENANCE AND MUNICIPAL HOUSEKEEPING

No Changes

37) SUBSECTION C.6 - HISTORIC AND ARCHITECTURAL RESOURCES

Issue A: Changes to the name, the intent and the policies are necessary to reflect the expanded role of LACAC. In addition, wording inconsistencies are noted and provincial name changes thus necessitate the amendments identified below.

Change 1:

Rename Subsection C.6 to "HERITAGE RESOURCES".

Change 2:

Amend the introductory paragraph as follows:

- i) to add the word 'heritage' on the first line between 'local' and 'resources';
- ii) to reword 'HISTORICAL AND ARCHITECTURAL' on the second line to read 'historic, architectural, archaeological, and aesthetic';

- iii) to reword the third line to read '..and to retain the City's distinctive character'; and,
- iv) to delete the word 'Accordingly,' in the fourth line.

The paragraph, as amended, should read as follows:

"The intent of this Plan is to sensitively manage the wealth of local heritage resources. It is intended that those resources of historic, architectural, archaeological and aesthetic merit will be preserved where feasible, to retain the City's distinctive character. It is further intended that the appropriate measures be established to meld preservation with rehabilitation to ensure that these resources will be recycled for active use."

Change 3:

Add a new policy to be numbered "6.1":

"6.1 It is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration, and management of property that is considered to have historic, architectural, archaeological or aesthetic value."

Change 4:

Renumber all subsequent policies accordingly.

Change 5:

Amend existing Policy 6.1 by deleting the word 'periodically' in the fourth line.

Change 6:

Amend existing Policy 6.2:

- i) to change the word 'HISTORICAL' to 'historic in clause i); and,
- ii) to reword clause ii) to read as follows:

"The majority of the buildings are of a style or method of construction which has historic or architectural significance to the City, Region or province."

Change 7:

Amend existing Policy 6.3 by deleting 'and require the endorsement of the Ministry of Culture and Recreation' in the third and fourth lines of clause ii).

Change 8:

Amend existing Policy 6.4 by changing the word 'HISTORICAL' to 'historic' in the third line.

Change 9:

Amend existing Policy 6.5 by changing the word 'HISTORICAL' to 'historic' in the second line.

38) SUBSECTION C.7 - RESIDENTIAL ENVIRONMENT AND HOUSING POLICY

Issue A: Policy C.7.4 ii) omitted the cross reference to Policy C.7.5 which also refers to housing targets.

Change:

Revise Policy C.7.4 ii) by adding the following words to the end of the sub-clause "pursuant to Policy 7.5 below." so that the entire policy reads as follows:

"7.4 ii) The housing targets established by Council pursuant to Policy 7.5 below."

Issue B: Policy C.7.5 requires that housing updates, such as the Municipal Housing Statement be done on an annual basis. Due to resources and annual data limitations, it is not possible to complete such an extensive study every year.

Change:

Revise Policy C.7.5 by deleting the word, "annually" so that the entire policy reads as follows:

"7.5 Council will monitor the supply and production of new housing, update housing targets, revise priorities and/or identify POLICY changes in order to better achieve the housing targets."

Issue C: The Ministry of Transportation and Communications has changed its name to the Ministry of Transportation.

Change: Revise Policy C.7.14 by deleting "and Communications" in the first line so that the entire policy reads as follows:

"7.14 Council will co-operate with and encourage the Ministry of Transportation to achieve an attenuated sound level as low as practicable below 70 dBA where a major road is proposed to be built or expanded through, or adjacent to, a designated RESIDENTIAL area."

39) SUBSECTION C.8 - ENERGY

No Changes

o Section D - Implementation

40) SUBSECTION D.1 - REGIONAL OFFICIAL PLAN

Issue A: Policy D.1.2 indicates that Council approves O.P.A.s, Neighbourhood Plans etc. when in fact Council adopts them.

Change:

Revise Policy D.1.2 by replacing the word "approve" in the first line with the word "adopt" so the entire policy reads as follows:

"1.2 Council will not adopt amendments to this Plan, Neighbourhood Plans or by-laws which do not conform with the REGIONAL OFFICIAL PLAN, but may request initiation of amendments to the REGIONAL OFFICIAL PLAN when warranted."

Issue B: Policy D.1.3 inadvertently requires that O.P.A.s etc. be in compliance with Regional policy but in fact it should be the Regional Official Plan.

Change:

Revise Policy D.1.3 by deleting the words "REGIONAL policy" in the last line and replacing them with "REGIONAL OFFICIAL PLAN."

41) SUBSECTION D.2 - PLANNING UNITS AND NEIGHBOURHOOD PLANS

Issue A: Multi-Center plans, as detailed in Neighbourhood Plans are flexible and subject to change. A new policy is required to eliminate unnecessary amendments to the Official Plan (eg. Jerome Neighbourhood Plan) to accommodate such minor neighbourhood plan changes.

Change 1:

A new clause be included in policy D.2.3 dealing with Multi-Centers should be inserted as follows:

"vi) Notwithstanding the above, amendments to this Plan, necessary to implement Multi-Centers, will not take place until the time of rezoning."

42) SUBSECTION D.3 - ZONING BY-LAW AND SITE PLAN CONTROL

Issue A: The current Holding Zone policies are narrow in scope. It would be useful to have the opportunity to use holding zones on a wider basis (properties requiring site plan approval, etc.).

Change:

Revise Policy D.3.3:

i) by adding the a new sub-section:

"iii) Where it is necessary to control the phasing of development;"

ii) by adding the words, "or site plan approval" after the words, "detailed design plan" in policy iv);

iii) by renumbering clauses iii) and iv) accordingly;

so that the entire policy reads as follows:

"3.3 Council, where deemed appropriate, will apply the holding provision of the ZONING BY-LAW, pursuant to The Planning Act, to specify the ultimate use of those lands which are contemplated for development or redevelopment at some time in the future. Thereby, Council will be able to preview proposals prior to development or redevelopment to ensure that it is compatible with surrounding land uses. The holding provision of the ZONING BY-LAW will be identified by the symbol "H" in the ZONING BY-LAW and applied under one or more of the following circumstances:

i)

ii)

iii) Where it is necessary to control the phasing of development;

iv) Where environmental constraints currently preclude development or redevelopment without appropriate mitigative measures; and,

v) Where an area must undergo further study, or where a detailed design plan or site plan approval is required, as designated in this Plan, or as will be determined by an Amendment to this Plan from time to time."

43) SUBSECTION D.4 - FINANCIAL STABILITY

No Changes

44) SUBSECTION D.5 - MUNICIPAL LAND ACQUISITION

No Changes

45) SUBSECTION D.6 - OFFICIAL PLAN AMENDMENTS AND REVIEWS

No Changes

46) SUBSECTION D.7 - GOVERNMENTAL ASSISTANCE

No Changes

47) SUBSECTION D.8 - INTERPRETATION

No Changes

48) SUBSECTION D.9 - NOTIFICATION AND PUBLIC PARTICIPATION
PROCEDURE

No Changes

49) SUBSECTION D.10 - COMMUNITY IMPROVEMENT

No Changes

50) SUBSECTION A.5 - GENERAL LAND USE PROVISIONS

Issue A: Many Official Plans contain a subsection outlining those uses which are permitted "as-of-right", without locational restrictions or prohibited within the City

boundaries. Most of these uses are under Federal, Provincial, Regional or Municipal jurisdiction. The uses listed in the new General Land Use Provisions have been derived from similar provisions in the Zoning By-law.

It is proposed that the following sub-section be introduced into the Official Plan.

Addition:

A.5 - GENERAL LAND USE PROVISIONS

It is the general intent of this Official Plan that all planning and development both public and private, within the City of Hamilton will be undertaken in compliance with the policies of this Plan. However, there are exceptions, where the operation of government, associated public bodies, and institutions that are permitted "as-of-right", or without locational restrictions throughout the City. In addition, there are certain uses which are not acceptable within the City due to the danger they may pose to persons and/or property and therefore should be prohibited throughout the City.

5.1 Notwithstanding SECTIONS, A, B, and C of this Plan, the following uses will be permitted within all land use designations provided that land use compatibility is maintained and it is keeping with the intent of the development standards set out in this Plan:

- i) any operation of the Government of Canada, Government of Ontario, Regional Municipality of Hamilton-Wentworth, City of Hamilton, or any public agency, board or commission including Ontario Hydro and Hamilton Hydro Electric Commission, except for their maintenance and storage facilities;
- ii) places of worship, publically owned airfields, publically owned parks and open spaces; and,
- iii) bona fide shipping and navigation by the Hamilton Harbour Commissioners in accordance with Subsection D.8.

5.2 Notwithstanding SECTIONS A, B, and C of this Plan, any maintenance and storage facilities operated by the various levels of government, public agency, board or commission as identified in Policy 5.1i), existing prior to the approval of Sub-section A.5 of this Plan will be permitted within all land use

designations. Any facility established after this time will be permitted in all land use designations but will be discouraged in RESIDENTIAL designations.

- 5.3 Those uses which create a danger to health from fire and explosion, as defined in the Zoning By-Law, will be prohibited within the City of Hamilton.

A:5YRPOLI

APPENDIX "BB"

SCHEDULE CHANGES

SCHEDULE CHANGES

DRAFT

o Schedule "A" Changes

Issue A: Sites have been identified which have been used for commercial purposes for many years or have been identified for commercial purposes in recently approved Neighborhood Plans.

Changes:

To redesignate the following lands from RESIDENTIAL to COMMERCIAL.

LOCATION	USE(S)
i) 100,108,126 Queenston Road	Auto Repair Garage, bowling alley, Derby hotel
ii) East of Quigley Road, south of the T.H.& B. tracks	proposed commercial
iii) West side of Upper James Street between Blossom Lane and Stone Church Road West	proposed commercial
iv) South-west corner of Upper Sherman and Rymal Road East Avenue	gas station, proposed commercial

Issue B: A number of sites (greater than 0.4 ha in site area) are currently being used for institutional purposes. In accordance with the proposed new Subsection A.5 - General Land Use Provisions, these uses will be permitted within all land use designations. However, it would be more appropriate to redesignate these lands to reflect the current land uses.

Changes:

To redesignate the following lands from RESIDENTIAL to MAJOR INSTITUTIONAL.

LOCATION	USE(S)
i) South-east corner of Limeridge Road and Upper Ottawa Street	Fire Station
ii) 1387 Upper Wellington Street	Church
iii) 353-363 Stone Church Road East	Schools, Church, Senior

		Citizens Center
iv)	235 Bowman Street	School
v)	357 Hunter Street West	School
vi)	833 Stone Church Road East	Church
vii)	648 Limeridge Road East	Church
viii)	1605 Garth Street	Church
ix)	225 Quigley Road	Fire Station

Issue C: A site (which is greater than 0.4 ha in site area) is currently being used for institutional purposes in a residential area. It would be appropriate to redesignate the lands to reflect the current land use.

Change:

To redesignate the following lands from RESIDENTIAL to MAJOR INSTITUTIONAL.

LOCATION	USE
i) 45 Lockton Crescent	Nursing Home

Issue D: In the preparation of the Neighbourhood Plans, lands that were intended for major institutional uses are inadvertently designated for residential purposes.

Change: To redesignate the following lands from RESIDENTIAL to MAJOR INSTITUTIONAL:

LOCATION	USE(S)
i) Between Limeridge Road East and Stone Church Road East, east of Upper James Street	School
ii) South side of Rymal Road East, between Upper Wentworth Street and Upper Sherman Avenue	Institutional
iii) West side of Upper Wellington Street, between Limeridge Road East and Stone Church Road East	Proposed Fire Station

Issue E: A number of sites have always been proposed or used for park or open space purposes but due to drafting errors these lands were not reflected on the Schedule.

Changes:

To redesignate the following lands from RESIDENTIAL to OPEN SPACE.

LOCATION	USE(S)
i) South of Rymal Road East, east of Upper Sherman Avenue	Parks
ii) South of the N-S/E-W Freeway between the utility corridor and Upper Sherman Avenue	Open Space link
iii) South of the N-S/E-W Freeway west of Upper Gage Avenue	Open Space link
iv) South of Limeridge Road East, west of Upper Wellington Street	Parks
v) South-east corner of Greenhill Avenue and Hildegard Drive	Park
vi) South of Rymal Road East, west of Christie Street (2 parcels of land)	Proposed Park, Ravine
vii) West of West 5th between Stone Church Road East and Rymal Road East (2 parcels of land)	Park
viii) East of Garth Street between Limeridge Road East and Stone Church Road East	Park

Issue F: A site was designated restricted INDUSTRIAL in the old Official Plan (O.P.A. 358). The lands were inadvertently omitted when the new Official Plan was prepared.

Change:

To redesignate the following lands from RESIDENTIAL to INDUSTRIAL.

LOCATION

USE(S)

- | | | |
|----|---|---------------------------|
| i) | North of Barton Street East
between Gage Avenue North
and Ottawa Street North | gas station
commercial |
|----|---|---------------------------|

Issue G: The southern portion of the City's reservoir was inadvertently designated RESIDENTIAL.

Change:

To redesignate the following lands from RESIDENTIAL to UTILITIES.

LOCATION

USE

- | | | |
|----|---|-----------|
| i) | East of Garth Street between
between Stone Church Road West
and Rymal Road West | Reservoir |
|----|---|-----------|

Issue H: The boundary of a commercial designation in the Kerningham Neighborhood Plan extends too far to the west. A slight modification is required to recognize the future intended land use.

Change:

To redesignate the following site from COMMERCIAL to RESIDENTIAL.

LOCATION

USES(S)

- | | | |
|----|---|-------------------------------------|
| i) | West of Upper James Street
south of Blossom Lane | proposed single
family dwellings |
|----|---|-------------------------------------|

Issue I: A number of sites (greater than 0.4 ha in site area) have been or will be developed for residential purposes within major institutional areas. Accordingly, it would be appropriate to redesignate them to reflect the land uses.

Changes:

To redesignate the following lands from MAJOR INSTITUTIONAL to RESIDENTIAL.

LOCATION

USE(S)

- | | | |
|----|-------------------|------------------------|
| i) | 190 Kenora Avenue | proposed single family |
|----|-------------------|------------------------|

		dwellings
ii)	Separate School Site (center of Templemead Neighbourhood)	proposed single family dwellings
iii)	Former Ryerson School Site (Durand)	townhouses, apartment building
iv)	West side of proposed Greenhill Avenue extension, south of Pavarotti Court (Gershome)	proposed single family dwellings
v)	North of Stone Church Road West between Upper Homing Road and Upper Paradise Road (Gurnett)	single family dwellings
vi)	North of Rymal Road West, Between Garth Street and West 5th Street	proposed single family dwellings
vii)	East of West 5th Street between Stone Church Road West and Rymal Road West (Mewburn)	proposed single family dwellings

Issue J: The location of the Separate School sites in the Jerome and Randall Neighbourhoods are not accurately reflected.

Change: To redesignate the following lands from MAJOR INSTITUTIONAL to RESIDENTIAL:

LOCATION	USE
i) South of Limeridge Road East East of Upper James Street	proposed single family dwellings
ii) East of Upper Sherman Avenue between Limeridge Road East and Stone Church Road West (Randall)	single family dwellings

Issue K: On May 9, 1989, Council approved a land exchange between the Separate School Board and the City so that the proposed school site would abut Upper Paradise Road instead of being located entirely on the interior of the Falkirk East Neighbourhood (see Issue Q).

Change: To redesignate the following lands from MAJOR INSTITUTIONAL to OPEN SPACE:

LOCATION	USE
i) Between Stone Church Road East and Rymal Road East east of Upper Paradise Road	Parks

Issue L: A site was designated COMMERCIAL in the old Official Plan but was inadvertently omitted when the new Official Plan was prepared.

Change:

To redesignate the following site from INDUSTRIAL to COMMERCIAL.

LOCATION	USES(S)
i) North of Barton Street East in the area west of Ottawa Street North	parking lot

Issue M: A number of sites which were designated for Open Space purposes are no longer intended for parks purposes but rather residential.

Changes:

To redesignate the following lands from OPEN SPACE to RESIDENTIAL.

LOCATION	USE(S)
i) 225 Kenilworth Avenue South	proposed single family dwellings
ii) North of Stone Church Road West, east of West 5th Street (Kerningham)	proposed single family dwellings
iii) South of Rymal Road East between Upper Sherman and Upper Gage Avenues (Broughton West)	uses not known at this time
iv) East of Garth Street between Stone Church Road East and Rymal Road East (2 parcels - Sheldon)	single family dwellings

Issue N: Certain portions of Open Space designations in the Falkirk East, Sheldon, Gourley, Gurnett Neighbourhoods are inadvertently designated for Open Space when the intended land use is for residential.

Change: To redesignate the following lands from OPEN SPACE to RESIDENTIAL:

LOCATION	USE
i) East Side of Upper Paradise between Rymal Road East and Stone Church Road East (Falkirk East)	proposed single family dwellings
ii) South side of Stone Church Road West, east of West 5th Street (Sheldon)	proposed single family dwellings
iii) East of Garth Street between Limeridge Road West and Stone Church Road West, 2 parcels - (Gourley)	single family dwellings
iv) North of Stone Church Road West, West of Upper Paradise Road (Gurnett)	single family dwellings

Issue O: A 12 acre site in the Chappel West Neighborhood has recently been identified as the City's location for a Streets Yard. Therefore, it should be redesignated to reflect the land use.

Change: To redesignate the following site from OPEN SPACE to UTILITIES.

LOCATION	USE(S)
i) 308 Rymal Road East	City Streets Yard

Issue P: In the preparation of the Kerningham and Randall Neighborhood Plans, it was noted that the OPEN SPACE designation in the Official Plan was too large. Accordingly, it is appropriate to amend it to more accurately reflect the future intended land use.

Change:

To redesignate the following site from OPEN SPACE to MAJOR INSTITUTIONAL.

LOCATION	USE(S)
i) East of West 5th Street, between Stone Church Road West and Limeridge Road West (Kerningham)	School
ii) West of Upper Gage Avenue between Stone Church Road East and Limeridge Road East (Randall)	School

Issue Q: On May 9, 1989, Council approved a land exchange between the Separate School Board and the City so that the proposed school site would abut Upper Paradise Road instead of being located entirely on the interior of the Falkirk East Neighbourhood (see Issue K).

Change: To redesignate the following site from OPEN SPACE to MAJOR INSTITUTIONAL:

LOCATION	USE
i) Between Stone Church Road East and Rymal Road East, East of Upper Paradise Road	School

Issue R: In accordance with an old Official Plan Amendment for the East Mountain Areas (Official Plan Amendment No. 276), a site was originally designated INDUSTRIAL. It was inadvertently designated Open Space when the Schedules to the new Official Plan were drafted. Therefore, it is appropriate to redesignate the subject lands.

Change:

To redesignate the following site from OPEN SPACE to INDUSTRIAL.

LOCATION	USE(S)
i) South-west corner of the C.N.R. tracks and Stone Church Road East	Municipal Public Works

Issue S: Two sites were originally intended for industrial use; however, in keeping with the intentions of the 1978, Port Master Plan, the subject lands (amongst others) were designated UTILITIES in the Official Plan to permit marine transportation and related uses.

Since that time, the lands have remained in private ownership, and no interest has been shown for marine transportation or related uses. Therefore, the lands should be redesignated INDUSTRIAL to provide for development in keeping with the original intended use.

Change:

To redesignate the following lands from UTILITIES to INDUSTRIAL.

LOCATION ,	USES(S)
i) block bounded by Burlington Oliver, Wilfred Streets and Wentworth Street North	industrial, residential
ii) block bounded by Wentworth Street North and Niagara Street north of Land Street	residential

2.3.2) Schedule "B" Changes

Issue A: Two sites in the East Mountain Industrial Park and one site in the Bayfront area were inadvertently included in Special Policy Area 11 - light industrial uses. They are designated COMMERCIAL and RESIDENTIAL respectively on Schedule "A". Clearly, they were not intended for industrial purposes.

Changes:

To remove the following lands from SPECIAL POLICY AREA 11.

LOCATION	USE(S)
i) Intersection of Rymal Road East and Dartnall Road	Commercial
ii) South of the C.N.R. tracks, west of Ottawa Street North	Commercial, residential

- | | | |
|------|---|------|
| iii) | East of Sherman Avenue North
Between Barton Street East and
the C.N.R. tracks | Park |
|------|---|------|

Issue B: A number of sites are intended for light industrial uses and therefore it is appropriate to include them in Special Policy Area 11.

Change:

To add the following lands to SPECIAL POLICY AREA 11.

LOCATION	USE(S)
i) north of Rymal Road East in the area west of Dartnall Road	cemetery, vacant commercial, industrial
ii) north of Barton Street East between Gage Avenue North and Ottawa Street North	commercial, gas station
iii) block bounded by Burlington Oliver, Wilfred Streets and Wentworth Street North	industrial, residential
iv) block bounded by Wentworth Street North and Niagara Street, north of Land Street	residential

o Schedule "C"

No Changes

o Schedule "D" Changes

Issue A: The subject lands have been developed for single family dwellings and a proposed commercial plaza. Furthermore, on October 29, 1985, City Council waived the requirement for an Environmental Impact Statement for the lands within the Environmentally Sensitive Area No.4 Red Hill Creek - Kings Forest. Therefore, they should be removed from the ESA map.

Change:

To delete the following lands from the ENVIRONMENTALLY SENSITIVE AREAS designation.

LOCATION

USE(S)

i) South of King Street East,
west of Greenhill Avenue

single family dwellings,
commercial

o Schedule "F"

No Changes

o Schedule "G"

No Changes

o Schedule "H"

No Changes

NOTE: Due to the size of the Schedules, they have not been included in this report but they are available for viewing at the Planning and Development Department.

They will be displayed at the September 13, 1989 Planning and Development Committee Meeting.

**A:\5YRSCHE
J.H-E:ND**

FOR ACTION

14.

REPORT TO: SUSAN REEDER, SECRETARY
OF THE PLANNING AND
DEVELOPMENT COMMITTEE

DATE: September 6, 1989
COMM FILE:
DEPT FILE: DA-88-30
Sunninghill
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

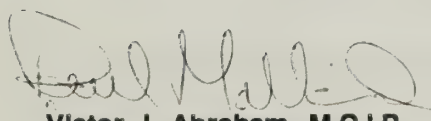
SUBJECT:

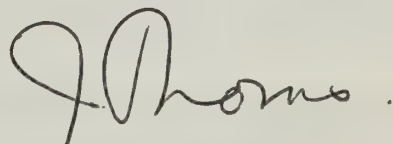
Request to amend Site Plan Control Application DA-88-30 for a shortfall in required parking for the shopping centre at 1007 Fennell Avenue at Upper Gage.

RECOMMENDATION

That approval be given to the request to amend Site Plan Control Application DA-88-30 by River Dell Holdings Limited, owners of lands known as 1007 Fennell Avenue at Upper Gage for a shortfall in required parking subject to the following:

- i) that the shortfall in the required parking from 498 to 469 spaces be finalized through the Cash-in-Lieu parking policy.


Victor J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

Site Plan Control Application DA-88-30 for Building F, a free standing structure was approved on November 8, 1989 with conditions of approval being completed January 30, 1989. The plans were approved on the basis of various submitted details of development.

During the processing of a Building Permit application it was noted that various calculations had not been previously included. The new calculation indicated that a total of 498 parking spaces were required whereas only 469 spaces could be accommodated on the site and in a re-stripping of the parking areas. The applicant was asked to submit a traffic study of the use of the existing parking spaces of the site.

The study prepared by M.M. Dillion Consulting Engineers and Planners concludes that during the three day survey, a maximum of 56% of the site's 425 existing marked spaces were utilized, included both legal and illegally parked cars. Therefore, no expansion of the existing parking will be necessary for the proposed 3,500 sq.ft. site expansion. (see attached study).

COMMENTS RECEIVED

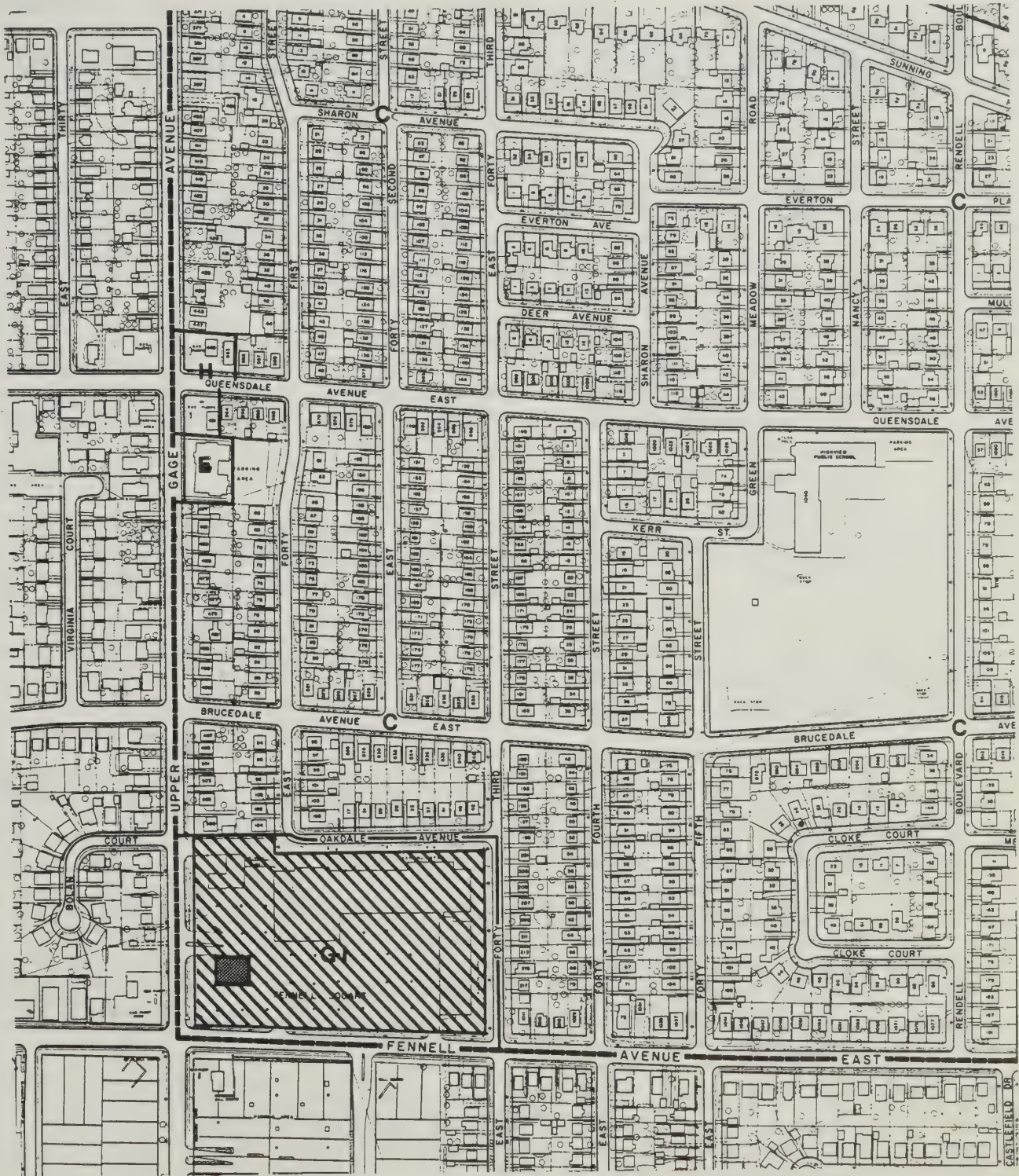
The Traffic Department has reviewed the study and agree with its conclusions, that the requested parking reduction from 498 spaces to 469 spaces and the restriping of the parking area is acceptable.

COMMENTS

The applicant proceeded with an application to the Committee of Adjustment to reduce the number of required parking from 498 to 469 spaces. At its meeting of April 19, 1989, the Committee of Adjustment tabled the application.

The applicant was advised that the City of Hamilton had a Cash-in-Lieu of Parking Policy which was considered more appropriate to resolve the shortfall in the number of required parking from 498 spaces to 469 spaces.

JL/ma
WPDA8830



128 SUNNINGHILL

PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-88-30

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

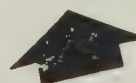


SITE OF THE APPLICATION



SITE OF DEVELOPMENT

North



Scale

1:5,000

Date

MAR., 1988

Reference File No.

DA-88-30

Drawing No.



Consulting Engineers • Planners
Environmental Scientists

OUR FILE:
YOUR FILE

T2407-10

30 June 1989

Stan Vine Construction Incorporated
120 Overbrook Place
Suite 111
Downsview, Ontario
M3H 4P8

Attention: Mr. Uno Prii

Fennell Shopping Centre
Parking Utilization Study:
June 22 to 24, 1989

Dear Sirs:

This letter documents the results of our study of the traffic utilization at the subject location. This study was conducted with the assistance of Mr. D.R. Havercroft, P.Eng., of Mohawk College in Hamilton, who conducted and supervised the field work at the site.

The study concludes that during the three day survey, a maximum of 56% of the site's 425 existing marked spaces were utilized, included both legal and illegally parked cars. Therefore, no expansion of the existing parking will be necessary to accommodate the 29 additional parking spaces required for the proposed 3,500 sq. ft. site expansion.

The following sections outline the methodology, results and conclusion of the parking utilization study.

Methodology

The parking study was conducted under the supervision of Mr. Dan Havercroft, P.Eng., of Mohawk College, on June 22, 23 and 24, 1989. The survey periods for the study were selected by the City of Hamilton Traffic Department. The City indicated that the survey should cover the period from 1:00 p.m. to closing on Thursday, Friday and Saturday. The time of closing was 9:00 p.m. on Thursday and Friday, and 6:00 p.m. on Saturday.

/2....

The utilization survey was conducted on an hourly basis. In each hour, the total number of vehicles parked on the site were counted. Legally and illegally parked cars were counted separately in the survey, and parking spaces were grouped into areas to provide flexibility in interpreting the results.

An inventory of the existing legal and illegal parking spaces at the site is shown in Exhibit 1. This shows that there are a total of 425 marked parking spaces on the site, and a number of illegal spaces which are utilized from time to time.

Results

The results of the survey are summarized in Exhibit 2. This shows that parking at the site rarely exceeds 50% of the site's legal space capacity, and reaches maximum utilization on Saturday when 56% utilization is achieved.

Tables 1, 2, and 3 shows the results for each of Thursday, Friday, and Saturday respectively. These tables show how the utilization changes for different areas of the parking lot, and the illegal parking usage.

Conclusion

The survey of the existing utilization indicates that the site accommodates the existing parking demand. There is sufficient space capacity in the parking lot to accommodate the proposed plaza expansion which will require 29 parking spaces.

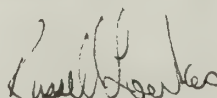
Assuming that the proposed expansion will utilize all the required spaces, the parking lot would still be less than two-thirds full during the peak period on Saturdays.

xxxxx

Should you have any questions regarding this report, please contact the undersigned.

Yours truly,

M.M. DILLON LIMITED



RAL:dcs

R.A. Loukes, P.Eng.
Project Manager

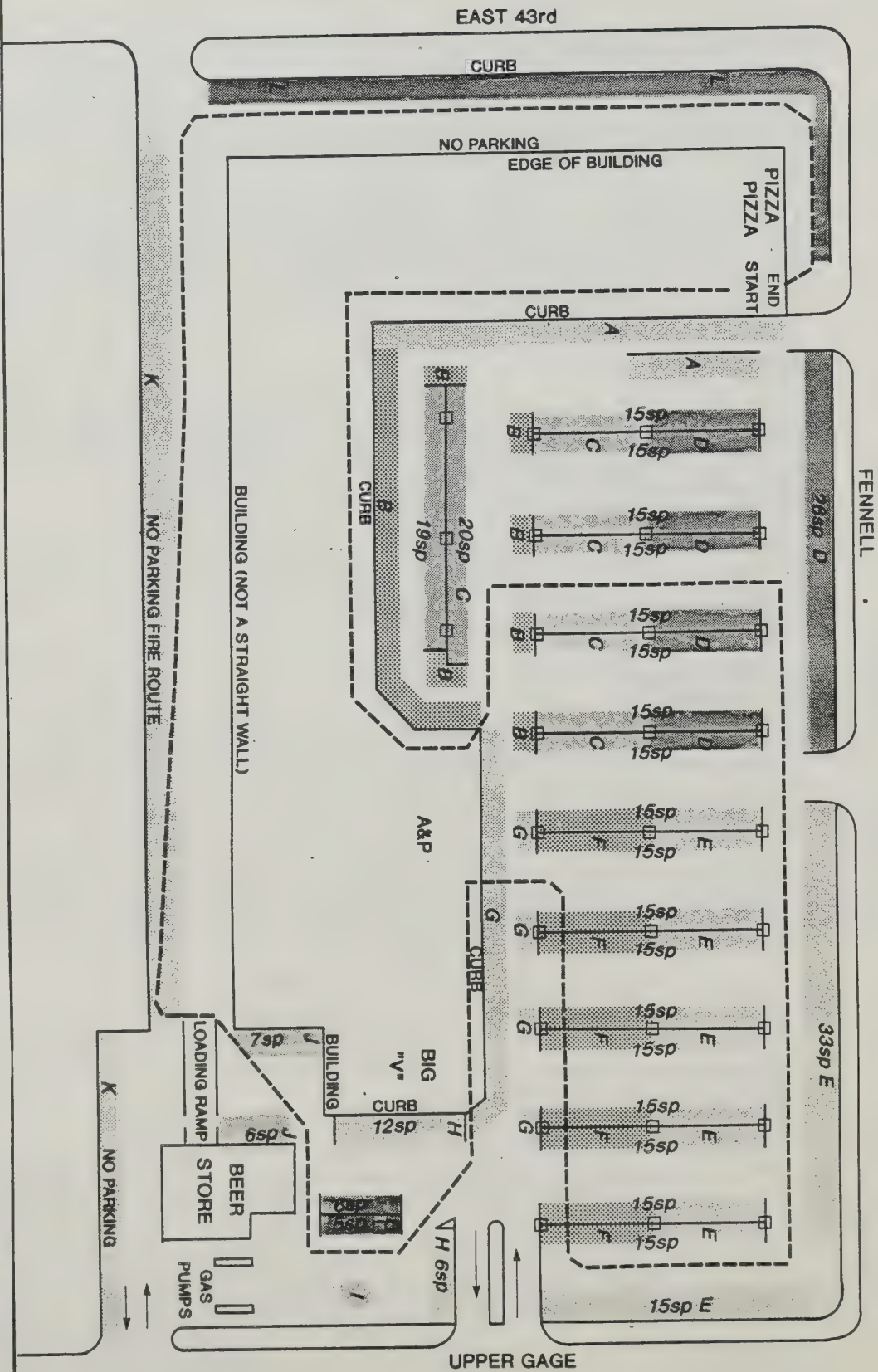
FENNELL SHOPPING CENTRE: PARKING UTILIZATION

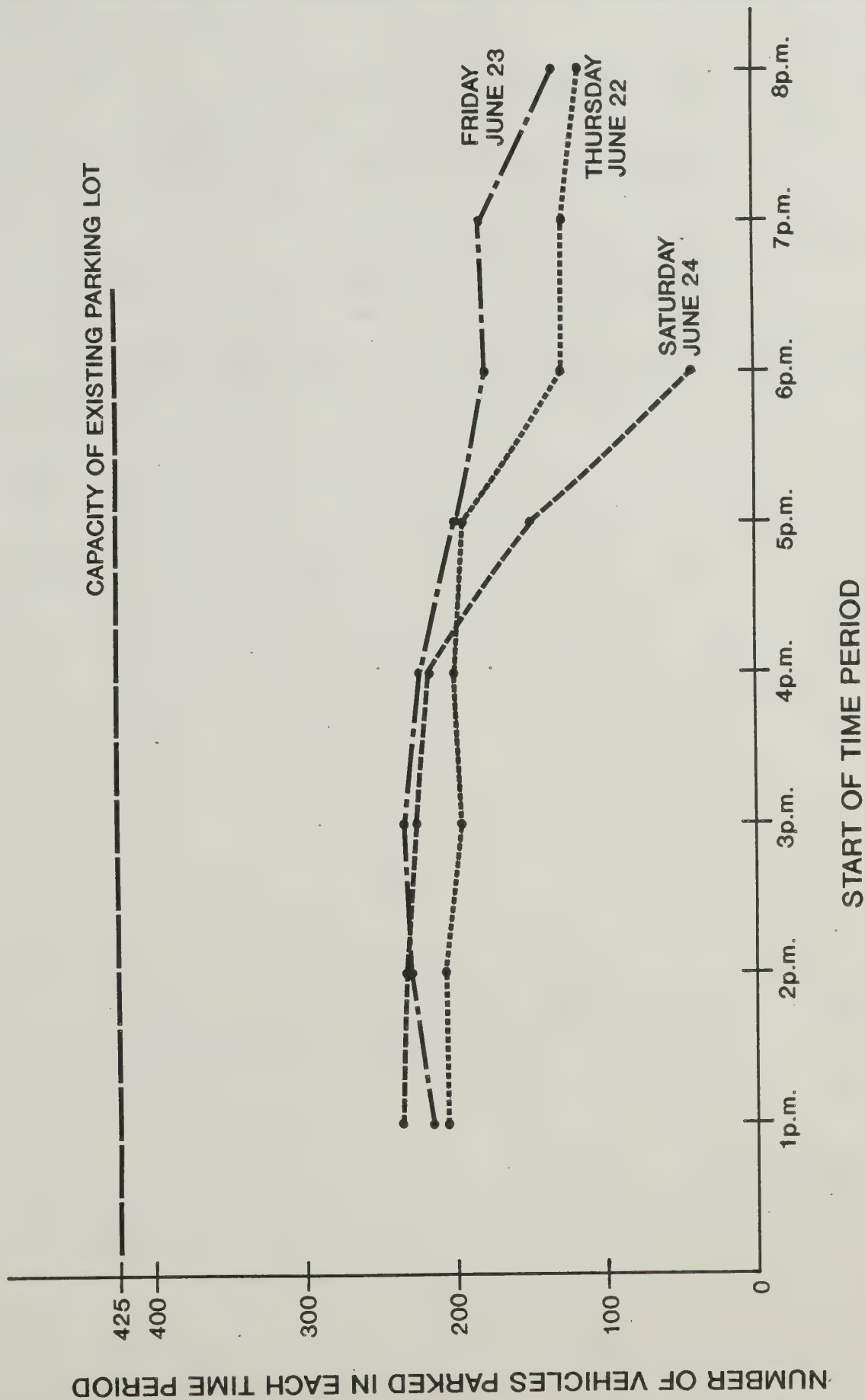
PLAN N.T.S.

LEGEND
 [C] - AREA CODE
 15sp - 15 PARKING SPACES
 □ - LIGHT POLES

PARKING INVENTORY

EXHIBIT 1





**FENNELL SHOPPING CENTRE:
PARKING UTILIZATION**

SUMMARY OF PARKING STUDY

Fennell Shopping Centre

=====

North - East corner of Fennell Ave and Upper Gage

Parking Accumulation Study

=====

TABLE 1: Summary - Thurs. June 22, 1989

Lot Section	Start of Time Period							
	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm
A *	7	7	8	4	5	6	4	4
B *	4	1	3	4	8	3	2	2
C	58	80	80	77	67	55	44	45
D	32	29	21	33	34	12	19	15
E	17	16	16	13	13	1	2	2
F	43	41	32	28	35	25	26	33
G *	0	4	0	2	0	1	3	1
H	16	7	9	12	11	12	18	14
I *	0	0	0	0	0	0	0	0
J	0	0	0	0	1	2	1	1
K *	1	2	1	1	0	2	1	0
L *	23	23	22	27	21	13	11	12
TOTAL	201	210	192	201	195	132	131	129
% Usage **	47.29%	49.41%	45.18%	47.29%	45.88%	31.06%	30.82%	30.35%

* No Parking Zones

** Marked Parking Locations = 425 Spaces

Fennell Shopping Centre

=====

North - East corner of Fennell Ave and Upper Gage

Parking Accumulation Study

=====

TABLE 2: Summary - Friday June 23, 1989

Lot Section	Start of Time Period							
	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm
A *	7	6	8	9	2	7	7	7
B *	8	10	6	11	6	5	3	3
C	61	74	73	68	69	72	64	57
D	34	37	37	34	33	23	36	23
E	16	14	15	13	8	7	4	8
F	42	43	46	37	31	32	24	13
G *	1	2	4	6	6	6	2	3
H	19	27	21	24	26	14	25	19
I *	0	0	0	0	0	1	4	0
J	0	0	0	2	1	1	2	1
K *	1	1	0	1	1	0	0	0
L *	21	17	20	18	13	14	12	10
TOTAL	210	231	230	223	196	182	183	144
% Usage **	49.41%	54.35%	54.12%	52.47%	46.12%	42.82%	43.06%	33.88%

* No Parking Zones

** Marked Parking Locations = 425 Spaces

Fennell Shopping Centre
=====

North - East corner of Fennell Ave and Upper Gage

Parking Accumulation Study
=====

TABLE 3: Summary - Saturday, June 24, 1989

Lot Section	Start of Time Period							
	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm
A *	4	3	6	5	3	3		
B *	7	5	4	5	5	1		
C	74	80	72	70	49	13		
D	44	30	29	30	19	0		
E	14	14	12	12	9	2		
F	48	50	54	50	30	6		
G *	5	2	7	6	2	0		
H	27	27	26	24	22	10		
I *	4	7	7	6	6	1		
J	2	1	1	0	1	0		
K *	0	1	0	0	0	0		
L *	9	11	10	9	7	2		
TOTAL	238	231	228	217	153	38	0	0
% Usage **	56.00%	54.35%	53.65%	51.06%	36.00%	8.94%	0.00%	0.00%

* No Parking Zones

** Marked Parking Locations = 425 Spaces

Note: When Lot H is full, cars park illegally in Area I
and block gas pump customers. Large volume is do to Beer Store.

FOR ACTION

15.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: AUGUST 9, 1989
COMM FILE:
DEPT FILE: CI-89-F

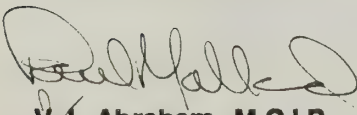
FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

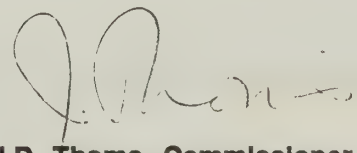
SUBJECT:

City Initiative - review of the definition of "Townhouse Dwelling".

RECOMMENDATIONS

1. That the Planning and Development Department be directed to hold a Public Meeting respecting the following proposed changes to By-law No. 6593:
 - 1.1 That the definition of "Townhouse Dwelling" be amended to delete the phrase "...not more than eight single-family dwelling units but...".
 - 1.2 That the definition of "Maisonette Dwelling" be amended to delete the phrase "...not more than sixteen single-family dwelling units, but...".
 - 1.3 That the "RT-10" (Townhouse) District and "RT-20" (Townhouse - Maisonette) District be appropriately amended to introduce new regulations respecting "Dwelling Unit Placement", to prohibit a "Townhouse" building from containing more than 8 single-family dwelling units, and a "Maisonette" building from containing more than 16 units.
 - 1.4 That the applicable multiple dwelling zoning districts be appropriately amended to introduce a new by-law provision requiring "multiple dwellings" containing a "townhouse" or "maisonette" component to comply with the respective By-law provisions for gross floor area ratio (multiple dwellings), and intensity of use (townhouse and maisonette dwellings).
2. That the Planning and Development Department be directed to not recommend Site Plan Approval for plans where the proponent has utilized By-law inconsistencies to circumvent the intent of the By-law.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, Commissioner
Planning and Development
Department

BACKGROUND

At its meeting of July 12, 1989 the Planning and Development Committee requested that the definition of "Townhouse Dwelling" be reviewed with the aim of differentiating such use from a "Multiple Dwelling".

PROBLEM

As set out under Section 2.(2)A.(viib) of Zoning By-law No. 6593 a "Townhouse Dwelling" is defined as follows:

"shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not more than eight single-family dwelling units but not less than three single-family dwelling units attached to each other, side by side, in one row and in substantial harmony with each other, each of which dwelling units,

- a) has separate front and rear entrances or separate front and side entrances, and
- b) is joined on one or both sides by a party wall to another dwelling unit in the same row;"

For purposes of By-law interpretation and enforcement, the Building Department has advised that under any multiple dwelling zoning district (e.g. "DE", "E", etc.), except for an "RT-10" & "RT-20" District, a "townhouse dwelling" becomes a "multiple dwelling" when nine (9) or more single-family dwelling units are attached in one row. Consequently, such development would become subject to the By-law regulations for multiple dwellings rather than townhouses, notwithstanding that the form of development is a typical townhouse.

In this regard, a "townhouse dwelling" built under the guise of a "multiple dwelling" would benefit from lower by-law standards respecting landscaped area (25% vs. 40%), parking (1.25 spaces/unit vs. 1.5 spaces per unit), and density (230 m² lot area/unit vs. g.f.a. ratio). Furthermore, depending upon the bulk and scale of development additional breaks respecting yard requirements, separation distances between buildings, etc. could be obtained. Conversely, in some instances certain provisions would be more restrictive (e.g. rear yard requirement).

The intent of including the clause "...not more than eight single-family dwelling units..." in the definition of "townhouse dwelling" was to control the massing of development, not to preclude developments having more than 8 units in a row from the definition. For example, where plans were submitted for a development having ten (10) units in a row, the definition was intended to operate so as to require the proponent to break the development into smaller components (e.g. 7 units and 3 units; 5 and 5; etc.).

ALTERNATIVE ACTIONS

● **Amend Definition of Townhouse Dwelling**

The definition of "Townhouse Dwelling" could be amended to delete the phrase "...not more than eight single-family dwelling units but..." so that it reads as follows:

"Dwelling, Townhouse", shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not less than three single-family dwelling units attached to each other, side by side, in one row and in substantial harmony with each other, each of which dwelling units,

- a) has separate front and rear entrances or, separate front and side entrances, and
- b) is joined on one or both sides by a part wall to another dwelling unit in the same row.

In this regard, any development having (3) or more single-family dwelling units in a row, side by side, would be a "townhouse dwelling". For purposes of controlling the massing of buildings, the appropriate sections of the By-law (e.g. "RT-10" and "RT-20" Districts) would have to be amended to introduce provisions respecting "Dwelling Unit Placement" (i.e. not more than 8 in a row).

However, it should be noted that these actions alone will not preclude innovative designers/builders from circumventing the intent of the By-law. For example, if a building were designed to contain 8 single-family dwelling units in a row, with an end unit containing two dwelling units (e.g. 2 units high) it would, by definition, be considered a "multiple dwelling."

● **Amend Definition of Multiple Dwelling**

As set out under Section 2.(2)A.(viii) of By-law 6593, a "multiple dwelling" is defined as follows:

"Dwelling, multiple" shall mean a building comprising four or more self-contained Class A dwelling units, whether or not a private garage or any other accessory building is attached except a building comprising a Townhouse Dwelling or a Maisonette Dwelling.

If the definition were amended to reflect traditional definitions of "apartments" by requiring "each unit to have access only from an internal corridor", the majority of potential loopholes respecting "townhouse" developments would be effectively overcome.

However, the negative aspect of this option would be to preclude innovative multiple dwelling designs (e.g. stacked townhouses). Accordingly, this alternative is not considered beneficial.

● Site Plan Control

Both "townhouse dwellings" and "multiple dwellings" are subject to Site Plan Approval. An effective means of preventing developers from using loop-holes to build "townhouses" under the guise of "multiple dwellings", would be to withhold Site Plan Approval on those developments which circumvent the intent of the By-law. This would compel developers to adhere to the intent and purpose of the By-law, and comply with the applicable by-law regulations, regardless of By-law technicalities.

Consequently, where a proponent was insistent on utilizing loop-holes in the By-law, his only recourse would be to appeal the matter to the O.M.B. (Ontario Municipal Board). Such action is highly unlikely given the time delays involved.

● Density Control

The biggest advantage to a proponent in having a "townhouse" type development built as a "multiple dwelling" is density. Normally, townhouses are required to provide a minimum of 230 m² of lot area per unit (approx. 17 u/ac.), whereas multiple dwellings are regulated by a gross floor area ratio (e.g. "E" District - 1.7 x lot area). Depending upon unit size and building design, typical "townhouse" type developments can be built at higher densities.

A possible way to keep densities at their intended level, would be to require "multiple dwellings" having a "townhouse" component to comply with their respective by-law requirements. For example, an apartment building with an identifiable "townhouse" element would have the density controlled as follows:

- "Townhouses" would have to provide a minimum 230 m² area per unit;
- "Multiple Dwelling" would have the g.f.a. calculated on based of total lot area minus required lot area for townhouses times the g.f.a. ratio.

This could be facilitated by amending the respective "Floor Area Ratio" requirements as follows:

No building or structure in an "E" District shall have a gross floor area greater than the area within the district of the lot on which it is situated, multiplied by the floor area ratio factor of 1.7. Except, that where a multiple dwelling has a townhouse component the "Intensity of Use" requirements for the townhouse dwelling shall be calculated separately, and the floor area ratio for the remainder of the multiple dwelling shall be appropriately adjusted.

COMMENT

The foregoing alternative actions have been reviewed with the Building Department. It is generally agreed that there is no sure way to effectively block the loop-holes respecting the development of "townhousing" type development under the guise of a "multiple dwelling". However, the Planning and Development Department, in conjunction with the Building Department, will continue to review the By-law in order to identify other possible options. During the interim, the implementation of the following actions would assist in more closely adhering to the intent of the By-law:

- amend definition of "townhouse dwelling" to delete the phrase "...not more than eight single-family dwelling units but...";
- amend the "RT-10" (Townhouse) District and "RT-20" (Townhouse - Maisonette) District by introducing a design provision respecting "Dwelling Unit Placement" (e.g. max. 8 in a row);
- that the appropriate zoning districts be amended to introduce a new By-law regulation requiring "multiple dwellings" with a "townhouse" component to comply with the respective regulations for "gross floor area" (multiple dwelling) and "intensity of use" (townhouse dwellings);
- that the Planning and Development Department be directed to withhold recommending Site Plan Approval to the Planning and Development Committee, for those proposed developments that do not comply with the intent of the By-law, regardless of technical inconsistencies in the By-law.

Given the similarities between the definitions of "townhouse dwelling" and "maisonette dwelling", the by-law provisions respecting "maisonette dwellings" should be appropriately changed.

Due to the requirements of the Planning Act, a Public Meeting will have to be held prior to the formal approval of the aforementioned By-law changes. However, the action respecting Site Plan Approval could be implemented immediately as no By-law changes are required.

CONCLUSION

On the basis of the foregoing, the Planning and Development Committee could direct the Planning and Development Department to undertake the following:

1. To hold a Public Meeting to review the aforementioned proposed changes to Zoning By-law No. 6593 respecting "townhouse dwellings", "maisonette dwellings" and "multiple dwellings".
2. That the Planning and Development Department be directed to not recommend Site Plan Approval where the proposed development conflicts with the intent of the Zoning By-law, and attempts to take advantage of By-law inconsistencies.

16.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: AUGUST 30, 1989

COMM FILE:

DEPT FILE: ZA-89-45

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

MEWBURN EAST
NEIGHBOURHOOD

SUBJECT

Request for a further modification of zoning - No. 1492 Upper James Street.

RECOMMENDATION

1. That approval be given to Zoning Application 89-45, 603815 Ontario Inc., owner, for a further modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the temporary use of lands and the existing building for the sale of new and used cars for a further three year period, for property located at No. 1492 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, as amended by By-law No. 86-201, applicable to the subject lands, be further modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of the lands and the existing building only, for the sale of new and used automobiles for a further maximum period of three years;
 - ii) That notwithstanding Section 18(3)(ivc)(b) of Zoning By-law No. 6593, a minimum 3.0 m wide landscaped planting strip shall be provided and maintained only along the northerly lot line;
 - iii) That notwithstanding Section 18(3)(ivc)(c) of Zoning By-law No. 6593, no visual barrier shall be required;
 - iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-939a, and that the subject lands on Zoning District Map W-9D be notated S-939a;
 - v) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;

- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
2. That the amending by-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

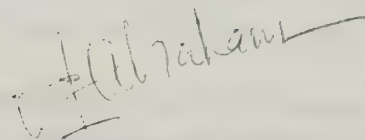
EXPLANATORY NOTE

The purpose of the by-law is to provide for a further modification to the "C" (Urban Protected Residential, etc.) District provisions applicable to property located at No. 1492 Upper James Street, as shown on the attached key map.

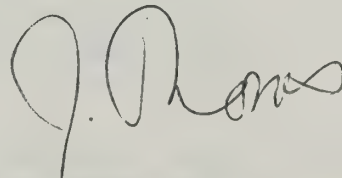
The effect of the by-law is to permit the temporary use of the lands and existing building only, for the sale of new and used automobiles for a further three year period.

In addition, the by-law provides for:

- A minimum 3.0 m wide landscaped planting strip along the northerly lot line only, whereas a 3.0 m wide planting strip is required along the northerly, westerly and southerly lot lines.
- To delete the requirement of a 1.2 m to 2.0 m high visual barrier along the northerly, westerly, and southerly lot lines.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

● Proposal

It is the applicant's intention to further modify the established "C" (Urban Protected Residential, etc.) District to permit the temporary sale of new and used cars for a further three year period in accordance with Section 38 of The Planning Act.

● By-law 86-201

By-law 86-201 was passed by City Council on June 25, 1986, to modify the established "C" (Urban Protected Residential, etc.) District regulations to permit the buildings or structures existing on the date of passing of the by-law and the land to be used temporarily for the sale of new and used automobiles for a period not exceeding three years from the date of passage of the by-law.

APPLICANT

603815 Ontario Inc., owner.

LOT SIZE AND AREA

- 68.58 m (225.0 ft.) of lot frontage on Upper James Street;
- 40.18 m (131.83 ft.) of lot depth; and,
- 2,755.57 m² (29,661.75 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	New and used care sales	"C" (Urban Protected Residential, etc.) District, modified
<u>Surrounding Lands</u>		
To the north	Single-family dwellings and a non-conforming industrial use	"C" (Urban Protected Residential, etc.) District, and "AA" (Agricultural) District

To the south	Single-family dwellings, a two-family dwelling, a non-conforming industrial use and a garden centre business	"C" (Urban Protected Residential, etc.) District, and "AA" (Agricultural) District, modified
To the east	Single-family dwellings, restaurant, and a warehouse	"G" (Neighbourhood Shopping Centre, etc.) District, modified
To the west	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept of the Official Plan, and located within SPECIAL POLICY AREA 31c on Schedule "B" - Special Policy Areas, the following policies, amongst others, would apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- D.3.8 In accordance with The Planning Act, Temporary Use By-laws may be used to permit the lands, buildings, or structures, on a temporary basis, for any purpose as may be specified in the said by-law. The provisions of The Planning Act regarding timing and extensions to such by-laws will apply."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "NEIGHBOURHOOD COMMERCIAL" use on the approved Mewburn East Neighbourhood Plan. The temporary use of the site would not conflict with the intent of the Plan.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

". . .public watermains, as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Upper James Street is 36.58 m (120 feet). In accordance with this designation, the applicant should be advised of a future road allowance widening to establish the property 18.28 m (60 feet) from the centre line of the original Upper James Street road allowance. Since the application is for a temporary rezoning, the widening should be acquired when the land develops to its designated commercial use. Any works which may occur within the Upper James Street road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law.

Any changes in access requires an approach approval from the City of Hamilton Traffic Department.

According to our preliminary calculations, it would appear that the northerly +/- 61 feet of the subject lands plus 40 ft. x 40 ft. daylight triangles will be required for neighbourhood street purposes. However, these dimensions must be determined and verified through a survey plan. Therefore, we recommend that no additional structures be permitted on this property at this time, and that the development of this property be through site plan control only. As conditions of future development approval, we will require modified subdivision agreements to have the streets dedicated to the City, widenings of Upper James Street dedicated to the Region, and erase all outstanding servicing costs."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal to permit the use on a temporary basis for a further three year period would not conflict with the intent of the approved Mewburn East Neighbourhood Plan.
3. Section D.3.8 of the Official Plan allows Council to permit the use of lands on a temporary basis for a maximum of three years if the proposal complies with the Official Plan. The proposal would therefore implement Section 38 of the Planning Act R.S.O. 1983.
4. On the basis of the foregoing, it would be appropriate to permit the further extension of the temporary use of the property for the sale of new and used automobiles, utilizing the existing building only, for the following reasons:
 - a) The property has been used for the repair of motor vehicles and the sale of new and used automobiles since 1985.

- b) Lands to the north, south and east are designated for "COMMERCIAL" purposes in the Official Plan, and are designated for "NEIGHBOURHOOD COMMERCIAL" in the approved Mewburn East Neighbourhood Plan.
 - c) Use of the lands, and the existing building only, on a temporary basis would not prejudice the intent of the neighbourhood plan as the use could be terminated at the end of the three-year period set out in the amending by-law.
5. The previous amending by-law (By-law 86-201) required a landscaped planting strip having a minimum width of 3.0 m to be provided and maintained only along the northerly lot line, and provided an exemption to require a 1.2 m high to 2.0 high visual barrier along the northerly, southerly and westerly lot lines. These special provisions should still apply. However, the requirements should be reinstated when an appropriate commercial zoning of the lands is approved in the future.
6. As a condition of approval for the previous zoning application to establish a temporary car sales lot, the subject lands were placed under Site Plan Control. To ensure the orderly development of the site, and that the required 3.0 m wide landscaped planting strip is provided and maintained to the satisfaction of the City, it is suggested the amending by-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW:CS
A:ZA8945

FOR ACTION

17.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: SEPTEMBER 6, 1989
COMM FILE:
DEPT FILE: ZA-89-48
QUINNDALE
NEIGHBOURHOOD

SUBJECT

Request for a change in zoning for lands located at the rear of No. 1285 Upper Gage Avenue fronting on Queen Victoria Drive.

RECOMMENDATION

That approval be given to Zoning Application 89-48, Arthur J. Boiago, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District to create three lots, for property located at the rear of No. 1285 Upper Gage Avenue fronting on Queen Victoria Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-49B and E-49C for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for lands located at the rear of No. 1285 Upper Gage Avenue fronting on Queen Victoria Drive, as shown on the attached key map.

The effect of the By-law is to facilitate the severance of the land into three lots for small lot single-family residential dwellings.

V.J. Abraham
V.J. Abraham, M.C.I.P.
Director of Local Planning

J.D. Thoms
J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The purpose of the change in zoning is to permit the applicant to sever the land into three lots for single-family residential dwellings.

APPLICANT

Arthur J. Boiago, owner.

LOT SIZE AND AREA

- o 34.13 m (112 ft.) of lot frontage on Queen Victoria Drive;
- o 30.48 m (100 ft.) of lot depth; and,
- o 1,040.28 m² (11,197.82 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	two family residential units, townhouses and vacant land	"R-4" (Small Lot Single-Family Detached) District; "RT-30" (Street Townhouse) District; "RT-20" (Townhouse-Maisonette) District; and "AA" (Agricultural) District
to the south	single-family residential and townhouses	"C" (Urban Protected Residential, etc.) District and "RT-10" (Townhouse) District
to the east	single-family residential and vacant	"C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single-Family Detached) District

to the west

vacant and single-
family residential

"AA" (Agricultural) District
and "C" (Urban Protected
Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "COMMERCIAL" on the Approved Quinndale Neighbourhood Plan, the proposal does not comply with the Neighbourhood Plan. Approval of the application would require a redesignation of the subject lands to "Single and Double Residential".

COMMENTS RECEIVED

- o The Local Architectural Conservation Advisory Committee and the Hamilton Region Conservation Authority have advised that they have no comment or objection.
- o The Traffic Department has advised that the application is "satisfactory".
- o The Engineering Department has advised that:

"The designated road allowance width of Upper Gage Avenue is 36.58 m (120 feet). The applicant should be advised of a future road allowance widening to establish the property line 18.29 m (60 feet) from the centreline of Upper Gage Avenue.

The applicant, as a condition of development approval, must enter into appropriate agreements with the City/Region for the removal of the 1 foot reserves on Queen Victoria Drive and the recovery of outstanding servicing costs".

- o The Building Department has advised that:

"The land is subject to a plan of subdivision."

COMMENTS

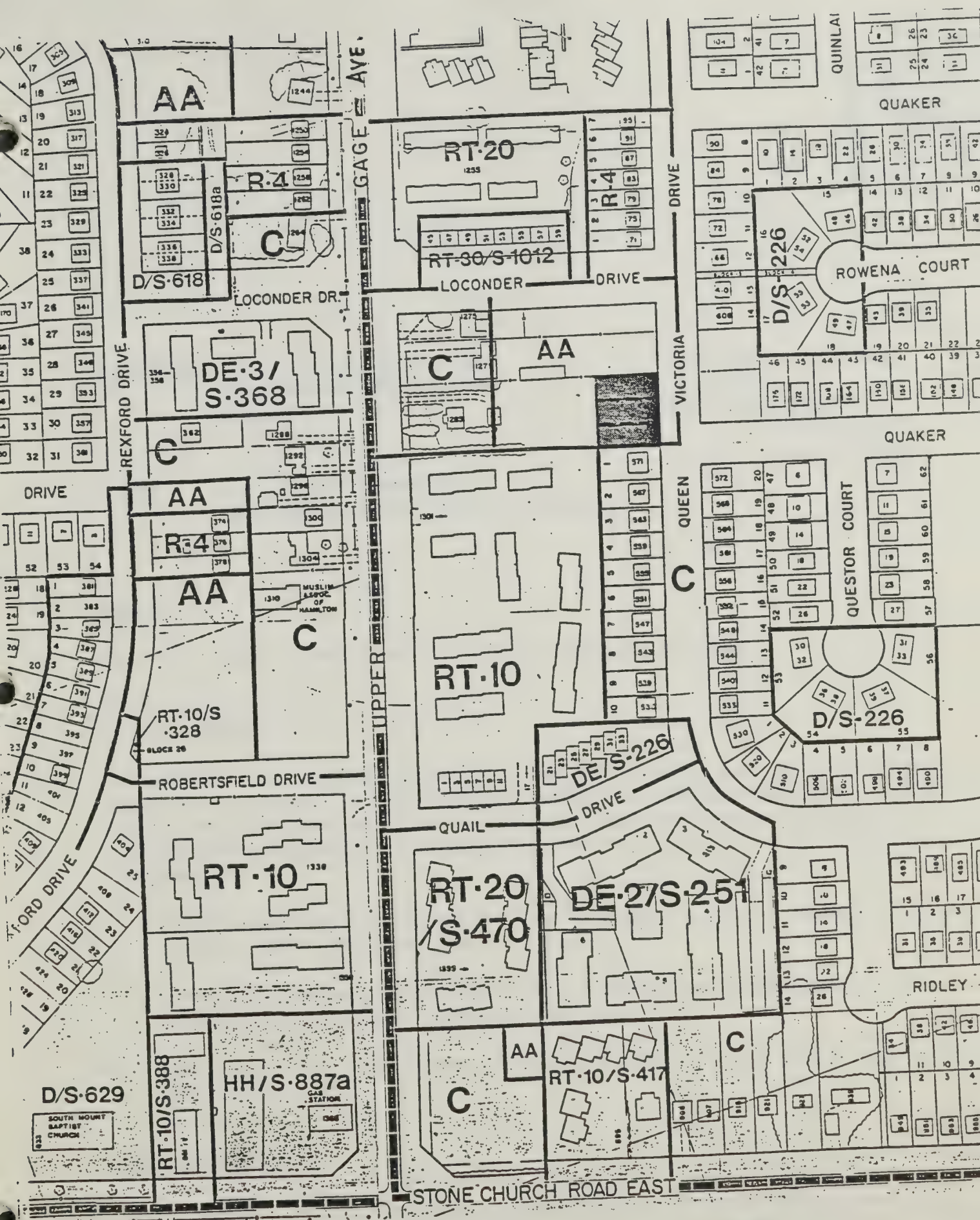
1. The proposal complies with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Quinndale Neighbourhood Plan which designates the land for "Commercial". Approval of the application would require a redesignation of the subject lands to "Single and Double Residential".

3. The proposal has merit and can be supported for the following reasons:
- i) it implements the intent of the Official Plan;
 - ii) it is compatible with the surrounding land use: to the north, townhouses and small lot single-family residential; to the west, single-family residential; to the south, single-family residential and townhouses; and to the east, single-family and small lot single-family residential; and
 - iii) similar applications to establish "R-4" (Small Lot Single-Family Detached) Districts have been approved on property across Queen Victoria Drive at the northeast corner of Quaker Crescent (ZA-88-116), and on property on the west side of Queen Victoria Drive north of Loconder Drive (ZA-85-36).
4. Under the requested "R-4" District regulations, the side yard that abuts any other residential district must be of a width of not less than 1.2 metres (3.94 feet).
5. The applicant will have to apply to the Land Division Committee in order to sever the three proposed lots. The applicant will have to satisfy the requirements of the Engineering Department prior to approval of the severance.

CONCLUSION

Based on the foregoing, the application can be supported.

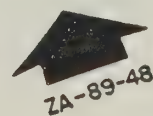
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Legend



Site of the Application



APPENDIX A

18.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 6, 1989
COMM FILE:
DEPT FILE: ZA-89-46
Templemead
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - Nos. 1073, 1081 and 1085 Rymal Road East.

RECOMMENDATION

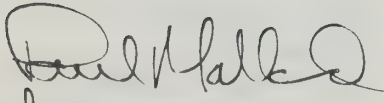
That approval be given to Zoning Application 89-46, Bold-Duke Properties, owner, requesting a change in zoning from the established "L-mr-1" (Planned Development - Multiple Residential) District modified to "RT-20" (Townhouse - Maisonette) District to permit a townhouse development, on lands located at Nos. 1073, 1081 and 1085 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "RT-20" (Townhouse - Maisonette) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

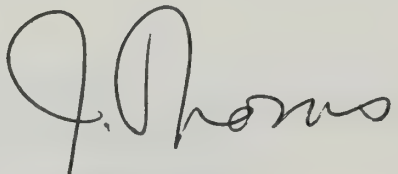
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "RT-20" (Townhouse - Maisonette) District for lands located at Nos. 1073, 1081, and 1085 Rymal Road East, as shown on the attached key map.

The effect of the By-law is to permit a townhouse development having a maximum of 23 townhouse units.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to construct 23 townhouse units. The existing residences (3) will be removed.

APPLICANT

Bold-Duke Properties, Inc., owner.

LOT SIZE AND AREA

The subject lands are comprised of three properties having:

- o 72.54 m (238 feet) of lot frontage on Rymal Road East;
- o 77.11 m (253 feet) of lot depth; and,
- o 5503.9 m² (59,245.64 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family residential	"L-mr-1" (Planned Development - Multiple Residential) District modified
<u>Surrounding Lands</u>		
to the north	small lot single-family residential	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified and "R-4" (Small Lot Single - Family Residential) District
to the south	vacant and storage facilities	"M-12" (Prestige Industrial) District
to the west	townhouse dwelling units	"R-4" (Small Lot Single-Family Residential) District modified
to the east	single-family residential and vacant	"C" (Urban Protected Residential, etc.) District; "L-mr-1" (Planned Development - Multiple Residential) District modified and "M-11" (Prestige Industrial) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "MEDIUM DENSITY APARTMENTS" on the approved Templemead Neighbourhood Plan, the proposal does not conflict with the intent of the neighbourhood plan.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee staff have advised that they have no comment or objection.

- o The Traffic Department has advised that:

"The application to permit development of a medium density residential development is satisfactory. However, we recommend that the applicant investigate a land assembly to include the property immediately west of the subject lands and at the north-west corner of Rymal Road and Upper Ottawa Street to provide for a comprehensive development of the subject lands in accordance with the approved neighbourhood plan.

Future development of the lands at the corner of Rymal Road and Upper Ottawa Street, if not included in this development, may be significantly restricted by the future re-construction of the intersection including raised concrete medians."

- o The Building Department has advised that:

- "1. A distance not less than 3.5 m is required between the exterior walls of Blocks B and C.
2. The townhouse containing 23 units require 30 parking spaces.
3. Each parking space shall have dimensions of 2.7 m x 6.0 m minimum.
4. A landscaped area of not less than 40% of the area of the lot is required to be provided and maintained."

- o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains as well as sanitary and storm sewers are available to service the subject land.

The designated road allowance width of Rymal Road is 36.58 m (120 ft). As a condition of development, we recommend that sufficient land be dedicated to the Region to establish the property line 18.29 m from the centre line of the original Rymal Road road allowance.

Any work with the road allowance, as widened, must conform to the Region's Roads Use By-law.

The details of the access design will be determined by the City's Traffic Department through Site Plan Control. As this section is constructed to a shoulder-ditch cross section, culvert pipes will be required within the access. Grading details can also be resolved at the site plan stage.

The development of these lands as proposed will result in two (2) remnant properties on the east and west sides. We therefore recommend that these lands be developed together with lands to the east and west. Alternatively, the site plans must be drawn such that the internal access

roads on the subject lands can be extended easterly and westerly to provide access to these properties. The applicant should also be advised that the subject property may be developed with a condition that mutual access and driveways to adjacent lands may be required.

With respect to the site plans submitted, it is unclear as to whether the plans have taken the road widenings into consideration since the front lot line is parallel to the street line although the depths are different. All setbacks, etc., must be taken from the widened limits of Rymal Road."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Templemead Neighbourhood Plan.
3. The application has merit and can be supported for the following reasons:
 - i) it implements the intent of both the Official Plan and the approved Templemead Neighbourhood Plan;
 - ii) it would be compatible with the existing and proposed uses on the surrounding lands; and,
 - iii) the "L-mr-1" (Planned Development - Multiple Residential) District functions as a holding zone for future planned multiple residential development. The provisions of Zoning By-law 6593 with respect to the "L-mr-1" (Planned Development - Multiple Residential) District delineate those zones to which an "L-mr-1" District can be rezoned, and the proposed "RT-20" (Townhouse - Maisonette) District is one of the districts to which a rezoning from "L-mr-1" is permitted. The proposed change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "RT-20" (Townhouse - Maisonette) District is in accordance with the provisions of the By-law and also implements the intent of the By-law.
4. On the basis of a preliminary site plan submitted with the application, the Building Department has advised that approval of the proposal would require the following variances:
 - o Distance Between Buildings

A distance of 3.5 metres between Blocks B and C is required, whereas the preliminary site plan shows a separation distance of 3.0 metres.

o Parking

The applicant proposes to construct 29 parking spaces while the By-law requires 30 parking spaces.

In addition to the number of parking spaces required, the Building Department has advised that the dimensions of each parking space must be 2.7 m x 6.0 m. The preliminary site plan shows a length of 5.0 m for each visitor parking spot.

The applicant has advised that a landscaped area comprising 53% of the lot area will be provided.

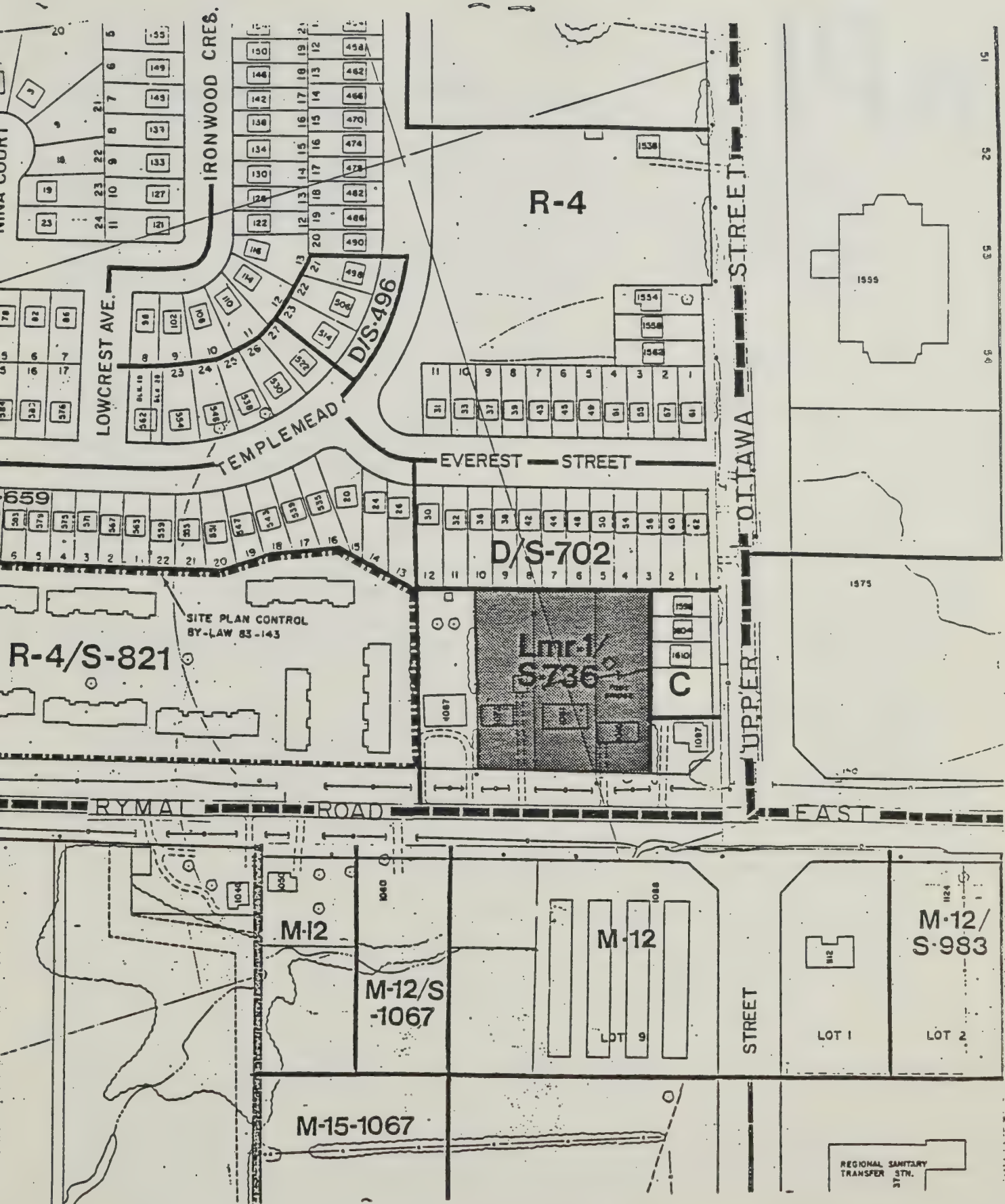
The foregoing variances (building separation and parking) cannot be supported, as there is no justifiable cause nor site constraints that would prevent the applicant from developing the property according to the "RT-20" (Townhouse - Maisonette) District regulations.

5. The properties to the east and west of the subject lands are also zoned "L-mr-1" (Planned Development - Multiple Residential) District and a comprehensive redevelopment which included these two properties is preferable. The applicant has advised that he has made several attempts to acquire both properties and has not been successful. Consequently, a comprehensive redevelopment that includes the properties to the east and west of the subject lands is unlikely at this time.
6. The requested "RT-20" (Townhouse - Maisonette) District would be subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. The concerns of the Engineering Department with respect to access to the abutting lands and matters such as parking, landscaping, etc. will be addressed at the site plan control stage of development.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/ma
WPZA8946



Legend



Site of the Application



APPENDIX A

INCH, EASTERBROOK & SHAKER

BARRISTERS & SOLICITORS

R. F. INCH, Q.C. (1923-1977)	J. F. EASTERBROOK, Q.C. (1939-1977)
E. A. SHAKER, Q.C.	R. K. BROADFOOT
P. D. V. CANNON	J. M. VICKRUCK
B. L. PAUL	R. C. HARASON
M. J. VALENTE	E. R. HOLT
L. RAFFERTY	R. A. IONICO
R. B. FULTON	F. G. D'ALESSANDRO

COUNSEL:
HON. ROBERT D. G. STANBURY, P.C., Q.C.

TELEPI

TELEC
CABLE

SUITE 1500, COMMERCE PLACE
1 KING STREET WEST

P.O. BOX 783

HAMILTON, CANADA

L8N 3M8

19a.

August 29, 1989

AUG 31 1989

Secretary,
Planning & Development Committee
City Hall, 71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Sir:

Re: 17 Main Street West, Hamilton

As you will see from the enclosed, you can record my opposition to the modification with respect to the zoning of the above described property.

It is totally inappropriate that one should even contemplate the location of a senior citizens apartment building in the immediate downtown core of this City. To allow such a development to take place at that location would work against any sensible planning of what should be envisaged for the downtown core of a major city.

I trust that this application will not get too far.

Yours very truly,



Edmund A. Shaker

PROPOSED CHANGE - MODIFICATION TO THE H1 DISTRICT REGULATIONS
PROPERTY DESCRIPTION - NO 17 MAIN STREET WEST

I AM IN FAVOUR OF ()

OPPOSED TO (V) (PLEASE CHECK (V) WHICH)

AUG 30 1989

THIS PROPOSED CHANGE

.....
SHAKER EDMUND A OR OCCUPANT
BROADFOOT RICHARD K
C/O INCH, EASTERBROOK
1 KING ST W STE 1500
HAMILTON ONT

.....
PLEASE DIRECT INQUIRIES TO
PLANNING DEPT 526-4445

.....
FILE-2A89-73 SEQ-00237

FOR ACTION

20.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 SEPTEMBER 6

COMM FILE:

DEPT FILE: ZA-89-47
DELTA WEST
NEIGHBOURHOOD

SUBJECT:

Request for a modification to established zoning - No. 992 Montclair Avenue.

RECOMMENDATION

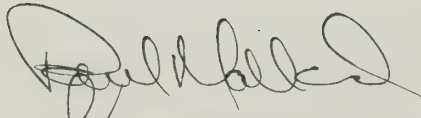
That approval be given to Zoning Application 89-47, Hope Haven Homes Ltd., prospective owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to move the administrative and counselling functions of Hope Haven Homes from No. 984 Montclair Avenue to the adjacent property, located at No. 992 Montclair Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as a special provision:
 - a) That notwithstanding Section 2(2)(A)(xiiaa) of By-law No. 6593, accessory offices, staffing and counselling shall be permitted within the existing building at No. 992 Montclair Avenue, only in conjunction with Hope Haven Homes located at No. 984 Montclair Avenue.
 - b) That notwithstanding Section 10(1)(i) of By-law No. 6593, no use of the property located at No. 992 Montclair Avenue for the shelter of residents at Hope Haven Homes shall be permitted.
- ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and the subject lands on Zoning District Map E-45 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-45 for presentation to City Council; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

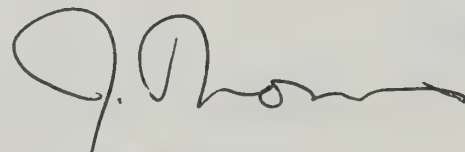
EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District for property located at No. 992 Montclair Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the use of the subject property for administration and counselling offices, in conjunction with Hope Haven Homes located at No. 984 Montclair Avenue.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

Hope Haven Homes is a rehabilitation centre that provides counselling and shelter for women and their children who are victims of domestic violence related to drug and alcohol abuse. Counselling is available for all family members of the residents, as requested. Counselling services are also available to non-residents of the shelter. Hope Haven Homes currently houses eight residents who stay to a maximum of six weeks. There are no plans to expand the shelter beyond its current capacity.

It is the applicant's intention to relocate the administrative office and counselling rooms for the Family Rehabilitation Centre established next door at No. 984 Montclair Avenue to No. 992 Montclair Avenue. The purpose of the relocation is to separate the counselling function from the shelter component, thus avoiding potential conflicts between these uses.

APPLICANT

Hope Haven Homes Family Rehabilitation Centre, prospective owner.

LOT SIZE AND AREA

- o 28.25 m (92.67 ft.) of lot frontage on Montclair Avenue;
- o 10.16 m (33.33 ft.) of lot frontage on Ottawa Street South; and,
- o 286.94 m² (3,088.7 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single Family Home	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District
<u>Surrounding Lands</u>		
to the north	Single family and two-family homes; community retail and commercial	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District and "H" (Community Shopping and Commercial) District
to the south	Single family homes	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District
to the east	Single family homes	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the west	Hope Haven Home and two-family homes	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policies, among others, apply:

- "A.2.1.3 Within areas designated "RESIDENTIAL", land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

- ii) Schools, churches, and similar institutional uses less than .4 hectares in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law".

The subject lands are approximately 0.02 hectares in area and the institutional uses proposed would not conflict with the intent of the "RESIDENTIAL" designation of the property.

In addition to the above, the subject lands are within Special Policy Area 1 which is the recommended Niagara Escarpment Planning Area. The following policy is applicable:

"A.2.9.1.1 The lands shown on Schedule "B" as Special Policy Area 1 lie within the recommended NIAGARA ESCARPMENT Planning Area. To implement the proposed Plan for the NIAGARA ESCARPMENT Special Policy Area 1 is subdivided as shown on Schedule "B" into Areas "1a" and "1b" for which the following provisions will apply:

- ii) It is intended that development in Area "1b" will have a minimal impact on the adjacent ESCARPMENT (Area "1a"). Accordingly, the nature of development, as defined in Schedule "A", will be at a density, scale and height which is compatible with the ESCARPMENT".

The proposal is to redevelop an existing building and does not conflict with the above-noted policy.

NEIGHBOURHOOD PLAN

There is no neighbourhood plan for the Delta West Neighbourhood.

COMMENTS RECEIVED

- o The Local Architectural Conservation Advisory Committee staff, the Hamilton Region Conservation Authority, and the Traffic Department have no comment or objection.
- o The Hamilton-Wentworth Engineering Department has advised that "public watermains, and combined storm and sanitary sewers are available to service this development."
- o The Building Department has advised that:

"Parking is required and a variance for the lack of spatial separation."

- o The Hamilton-Wentworth Social Services Department has advised that:

"We support the above-named application. The property at 992 Montclair is not intended to be another residential care facility but, rather, is akin to an addition to #984 Administration and Programme purposes. Hope Haven needs more space desperately".

COMMENTS

1. The proposal implements the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) It implements the intent of the Official Plan in that the proposed uses are permitted in a RESIDENTIAL area for a property of this size. Further, the Official Plan also states that Council will encourage the development of a wide range of residential care and short-term facilities;
 - ii) By-law No. 81-27 concerning the regulation of residential care facilities was passed on January 13, 1981. The effect of the By-law was to permit such uses in a broad range of commercial and residential neighbourhoods, with specific resident capacity limits and a minimum separation distance between facilities.

The subject lands are zoned "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District. As set out under the "D" District regulations, a residential care facility with a maximum capacity of 6 residents is permitted, provided that it is situated on a lot having a minimum radial separation distance of 180 m (600 ft.) to any other lot occupied or as may be occupied by a residential care facility.

One of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposal is to separate the administrative and counselling functions provided by Hope Haven Homes from the shelter provision. The congestion that ensues from the counselling sessions offered within the current facility detracts from the residential environment offered to the shelter residents. The separation of the counselling and administrative functions from the shelter component will allow the residents of the shelter to live in a family situation rather than the current crisis-oriented situation; and,

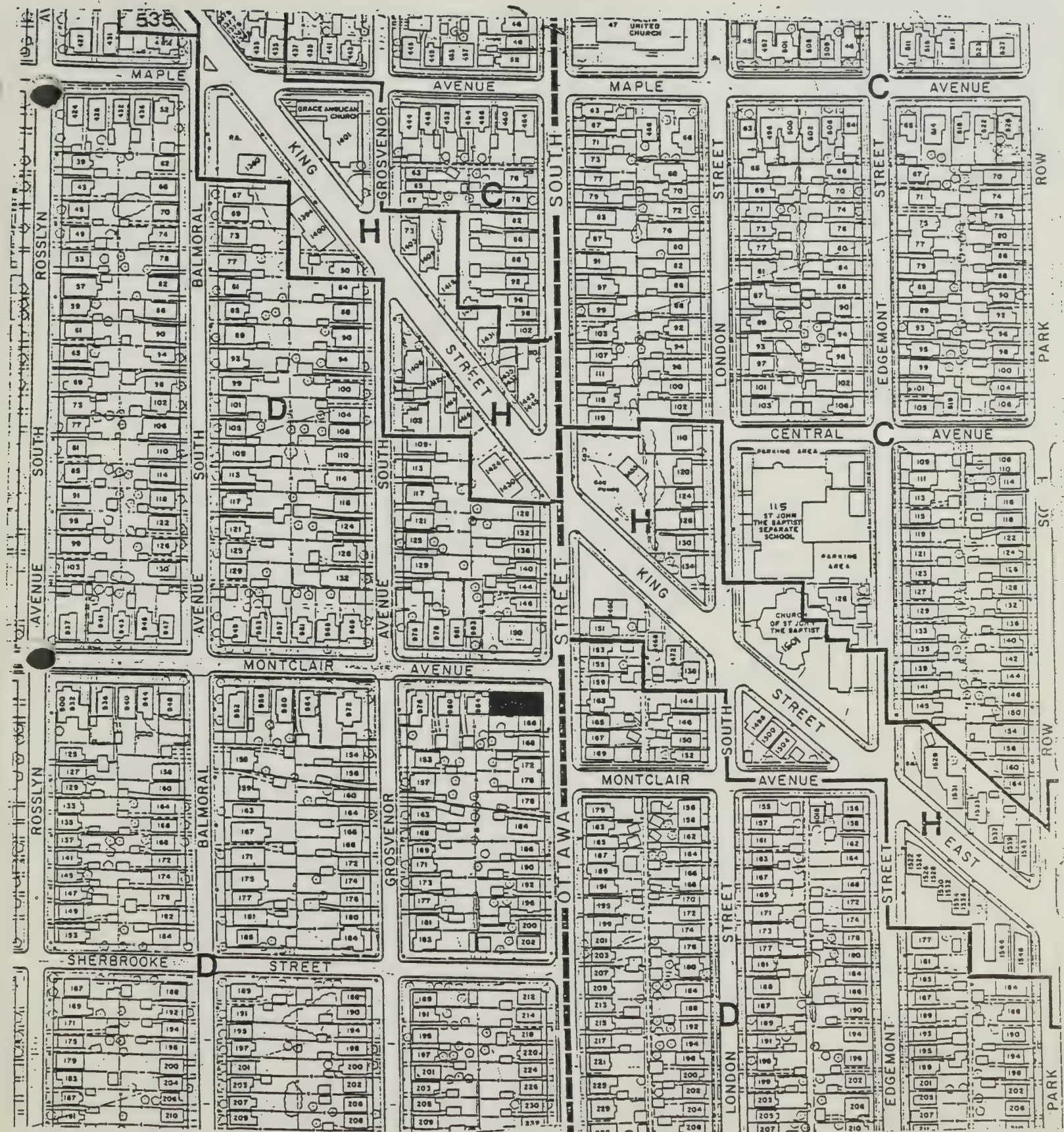
- iii) The property is located on the boundary of the Delta West Neighbourhood and also abuts a major arterial road (Ottawa Street South).
3. The applicant has no plans, at this time, to expand the capacity of the shelter. The space within the shelter to be vacated when the administrative and counselling functions move to the new building will be used to serve the needs of the existing residents. Should Hope Haven Homes desire, in the future, to expand the number of residents it serves, Hope Haven Homes would have to submit another application for a further modification to the existing "D" (Urban Protected Residential - One and Two Family Dwellings etc.) District, or apply to the Committee of Adjustment. In either instance, public notification would be provided in conjunction with the application.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/dkp/ma/cs

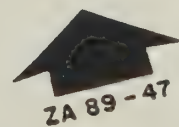
WPZA8947



LEGEND



SITE OF THE APPLICATION



APPENDIX A

20a.

August 24, 1989

ZA89-47

The additional comments regarding property at 992 Montclair Ave.

We are not opposed to this proposed change but would like to see better care taken of the exterior of both properties. At 990 Montclair (next door) on garbage day there is a huge pile of garbage bags with rodents scavenging in them. Also on various occasions men are sleeping in automobiles in front of the premises during the night. The general care of lawn etc. is not good.

Sincerely,
William Gallagher
181 Belmont Ave. South

FOR ACTION

21.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1989 August 31

COMM FILE:

DEPT FILE: ZA-89-51

Strathcona

Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

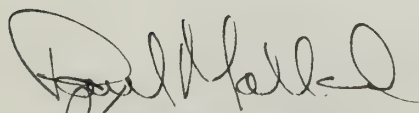
SUBJECT:

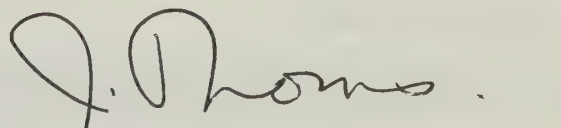
Request for a modification in zoning - property located at No. 153 George Street.

RECOMMENDATION

That Zoning Application 89-51, Kathleen Marie Ward, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings) District regulations to permit expansion of the existing residential care facility from 5 to 15 residents, while providing only three of the required six parking spaces, for property located at No. 153 George Street, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) One of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase to a maximum of 15 residents represents approximately two-and-one-half times that permitted in the "D" District. The proposal is contrary to the intent and philosophy of the By-law and Provincial policies, which were designed to encourage smaller facilities in residential neighbourhoods;
- ii) The proposal represents an over-intensification of land use, in that adequate parking would not be provided;
- iii) Approval of the application may encourage other similar applications which, if approved, would undermine the intent and purpose of the Residential Care Facilities By-law; and,
- iv) The subject lands are located within 180 m (600 feet) of two other residential care facilities. Approval of the application may create a concentration of facilities and an institutional setting in the neighbourhood.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

o Proposal

The purpose of the application is to permit the expansion of the existing residential care facility from 5 residents to 11 initially, and then to construct a one-storey addition on the rear of the building to provide for the care of an additional 4 residents, bringing the total number of residents to 15. Comments of the applicant are attached as Appendix "B".

o Committee of Adjustment

On April 3, 1986, the Committee of Adjustment considered and approved minor variance application A-86-56 to permit the establishment of a residential care facility for a maximum of 5 residents at No. 153 George Street, subject to the condition that the dwelling known as No. 39 Ray Street South continue to be used solely for the purpose of a single-family dwelling. The Planning Department comments submitted in conjunction with the minor variance application recommended denial of the application on the basis that:

- o it is located within 180 m (600 feet) of three other residential care facilities;
- o approval of the application may lead to a concentration of facilities and an institutional setting; and,
- o the application is considered to conflict with the intent of the Residential Care Facilities By-law (No. 81-27).

APPLICANT

Kathleen M. Ward, owner.

LOT SIZE AND AREA

- o 21.336 m (70 feet) of frontage on George Street;
- o 42.062 m (138 feet) of frontage on Ray Street; and,
- o 897.4 m² (9,660.22 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Subject Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Residential Care Facility for five residents and one single-family dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
<u>Surrounding Lands</u>		
to the north	Single-family homes, lodge	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the south	Multiple dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	Single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the west	Multiple dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policy, among others, would apply:

- "C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents in densities and scales compatible with the established development pattern; and,
 - v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton, and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law, etc."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Single and Double Residential, Attached Housing" on the approved Strathcona Neighbourhood Plan, the proposal does not conflict with the intent of the Plan.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority has advised that they have no objection.
- o The Hamilton-Wentworth Social Services Department has advised that they support the application for the following reasons:
 - "1. Mrs. Ward is well known to our staff for her very caring attitude; her homes are exemplary second-level lodges.
 - 2. The proximity of 153 George Street to Hess Village Manor, 36 Queen Street South, is not a serious drawback to this application; Wesley House on King Street may be relocated.
 - 3. Mrs. Ward's expansion plans seem extremely well thought out and sound.
 - 4. A home with only five residents is definitely a high economic risk, as Mrs. Ward indicates.
 - 5. We think the parking planned by Mrs. Ward appears adequate."
- o The Traffic Department has advised that: "We can support the application provided the full requirements of the By-law with respect to parking are met."
- o The Building Department has advised that:
 - "1. The proposed use of a residential care facility for the accommodation of 15 residents is NOT permitted.
 - 2. The Committee of Adjustment decision A-86-56 approved the use of a residential care facility for the maximum of five residents, provided that the dwelling known as 39 Ray Street South shall continue to be used solely as a single-family dwelling.
 - 3. The present use requires three parking spaces, one for the single-family dwelling, and two for the residential care facility.
 - 4. The proposed use of a residential care facility for 15 residents requires five parking spaces and the single-family dwelling (39 Ray Street South) requires one parking space, for a total of six parking spaces."

- o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and combined storm and sanitary sewers are available on Ray Street. The sewer system is below present-day design standards. However, we believe that the proposed zoning will not substantially increase the demand on this facility above that permitted by the present zoning regulations.

The minimum designated width of local streets is 15.24 m (50 feet). The applicant should be advised of a future road widening on George Street to establish this minimum width. In addition, there may be some additional lands required for turning radii improvements at this intersection.

It is unclear what the intentions of the applicant are with respect to new construction, demolition etc. We recommend that these lands be developed through site plan control. Should this entire site be redeveloped or additions added, the above-noted road widenings will be required as a condition of site plan approval".

- o The Local Architectural Conservation Advisory Committee staff have advised that they support the application on the following conditions:

- "1. That the physical expansion of the house be restricted to the proposed one-storey rear addition and that the integrity of the street facade be maintained.
2. That no further expansion involving the construction of large and visually obtrusive additions be allowed.
3. That the applicant's request for a reduction in the required number of parking spaces from five to three be approved and that her proposed landscaping treatment for the third parking space be carried out."

COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Strathcona Neighbourhood Plan.
3. The proposal to permit an initial expansion of the established residential care facility from 5 to 11 residents, and to construct a one-storey addition to permit a further expansion of the facility from 11 to 15 residents cannot be supported for the following reasons:
 - i) By-law No. 81-27 concerning the regulations of residential care facilities and short-term care facilities was passed by City Council on January 13, 1981. The effect of the By-law was to permit such facilities in a broad range of commercial and residential districts with specific resident capacity limits and a minimum separation distance between facilities.

The subject lands are zoned "D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District. A residential care facility in this zone with a maximum of six residents is permitted, provided that it is situated on a lot having a minimum radial separation distance of 180 m (600 feet) to any other lot occupied, or as may be occupied, by a residential care facility or short-term facility.

As discussed in the background section of this report, a previous application to the Committee of Adjustment was approved to permit a maximum of 5 residents, notwithstanding that this facility is within 180 m (600 ft.) of two other residential care facilities: Wesley House, located at 403 King Street West, housing 12 residents, and Hess Village Manor, located at 36 Queen Street South, housing 10 residents.

One of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed two-stage increase in capacity of this facility to 15 residents would create a mini-institutional use in this facility. When considering the existence and capacity of the adjacent facilities, expansion of the capacity of No. 153 George Street may create a concentration of uses and an institutional setting in the Strathcona Neighbourhood. The proposal is a departure from the intent of the Residential Care Facilities By-law, and also is contrary to the Provincial policies which were designed to encourage smaller facilities in residential neighbourhoods.

- ii) the proposal is an over-intensification of land use, in that adequate parking would not be provided; and
- iii) approval of the application may encourage other future applications which, if approved, would undermine the purpose and intent of the Residential Care Facilities By-law.

CONCLUSION

The proposed increase in capacity of this facility represents a considerable departure from the intent of the Residential Care Facilities By-law. Considering that there are other residential care facilities close to this facility, the proposed increase may introduce an institutional character to this neighbourhood. Therefore, the proposal cannot be supported.

PART 8 : BACKGROUND INFORMATION AND JUSTIFICATIONProperty Location and Description

The subject property, known as 153 George Street and 39 Ray Street South, is located at the southeast corner of George and Ray Streets, in the Strathcona neighbourhood (No. 127). It measures 21.3M (70') by 42.0M (138'), representing a lot area of 897.4 M² (9.660 sq. ft.). The lot is occupied by: (1) A Georgian style, three storey house, built around 1920, having a floor area of 3152 sq. ft. and accommodating 9 bedrooms, 2 bathrooms, a washroom, a dining room, a large living room and a kitchen, as well as a full basement with a 9' height; (2) A legally converted 2 storey coach house, used as a single-family dwelling, with frontage on Ray Street South, having a floor area of 874 sq. feet.

The two houses share a common rear yard of generous dimensions.

Committee of Adjustment Decision:

The property is zoned in a "D" Residential District. On April 3, 1986, the Committee of Adjustment granted an application for a minor variance to permit the establishment of a residential care facility use of 153 George Street for a maximum of 5 residents, notwithstanding that such facility would be as close as 74.98 M, 107.89 M. and 80.46 M to three other such facilities, instead of the required minimum 180.0 M radial separation distance away. The approval was conditional upon the dwelling known as 39 Ray Street South being used solely for the purposes of a single-family dwelling unit (see File A-86 :56; Ken Vanderlaan.)

The 3 residential care facilities referred to in the Committee of Adjustment decision were the Wesley House at 403 King Street West, accommodating I understand 12 young persons, Hess Village Manor at 36 Queen Street, accommodating I understand 10 elderly residents and Mount St. Joseph Centre at 354 King Street West, which I understand has since ceased to be a residential care facility.

It is my understanding that prior to the Committee of Adjustment application 153 George Street was used as an office accommodating an engineering firm.

Current Use of Property

Since my purchase of the property in 1988 as an operating residential care facility, I have made amongst others the following property improvements: repainting 153 George Street inside and outside, installation of new plumbing, removal of trees and secondary growth, and planting of new trees. The Ray Street house is currently being completely renovated.

Depending upon the outcome of this application I am planning to construct a small one-storey addition at the back of 153 George Street, re-roof and completely rewire the house, replace the fire escape, install a patio and fencing.

The large house on George Street is occupied by myself, two elderly persons and 3 psychiatrically handicapped persons. As a second-level lodging home, it is inspected by the various municipal departments on a regular basis and licensed by both the City and the Ministry of Health.

I would like to expand my home initially from 5 to 11 residents and eventually to 15 residents upon completion of the small addition at the rear.

Background Information on Applicant

I have operated a residential care facility (second-level lodging home) at 255 Caroline Street for the past eleven years. This home has been licensed by the Ministry of Health as well as the City of Hamilton. During these eleven years I have enjoyed a good

reputation with all agencies involved in the care of post-psychiatric residents.

I offer very good care for residents. My homes are structured and offer a family-like atmosphere. I have ensured that daily programs are offered for residents and that they are provided with daily living skills. Residents are taught how to make constructive use of leisure time and have been provided with cultural and recreational activities.

I have been a supporter of a variety of cultural activities in Hamilton. I am a supporter of the Hamilton Philharmonic and hold season tickets so that residents can enjoy performances. I have also supported local theatre groups in Hamilton. The residents of my homes have accompanied me on numerous outings to concerts and plays and also have enjoyed trips to the zoo, the African Lion Safari, Marineland and the Royal Botanical Gardens. We often enjoy picnic lunches on these outings.

I have also taken residents on many supper outings to such restaurants as Mother's Restaurant, the Hillcrest, Wendy's and many others. All of these activities have been provided at no cost to the residents, who are on a very limited income. Such outings help to integrate the residents more fully into the community.

Before buying the George Street property I searched for a suitable home for two years and I had several reasons for buying this property. I liked the size of the property. The location is excellent. George Street is close to downtown, hospitals and social agencies. Also it is close to residents' work programs and to a variety of cultural and recreational facilities. The home affords privacy for residents; it has a large back yard and has a homelike atmosphere. The residents can enjoy and benefit from this

atmosphere. They will have room to sit in the spacious back yard and enjoy barbecues and gardening.

It is my belief that the neighbours' feelings are very important. In no way do I want to change the neighbourhood. I strongly believe that I am a good neighbour and I have the utmost respect for neighbours and their property.

Before purchasing the property on George Street I realized that its licensing capacity was five beds and that a By-Law modification would be required to change its present status, however I bought the home, because I believed it would make an excellent residential care facility and that the City would share my view.

As I mentioned previously I have strong convictions that this is an ideal setting for a home for residents, but I am unable to maintain the home with only five beds and indeed I have supplemented the home since buying it, with the hope of being able to make necessary zoning changes.

I wish to fully develop the home so residents can continue to receive excellent care and if I cannot do this on George Street I will be forced to look for a home in a strictly commercial area.

I am firmly convinced that residents have every right to live in a neighbourhood where they can be more fully integrated into community life. I feel that a strictly commercial area is detrimental to their overall health and well-being, because it is impersonal, noisy and unsuitable for a family home. I have not had any difficulty with the neighbours and indeed several have stopped to admire improvements we have made. I am hopeful that there will not be any opposition from the neighbours.

I would like to restate my position that this work is my chosen career. I am a very experienced person and have seen many successes as a result of my methods. Several residents have moved out of my homes and become independent members of the community; others have stayed in the home and have not had to be readmitted to the hospital. They have functioned very well because they have enjoyed a caring, homelike atmosphere. I have a waiting list of residents eager to come to my home and I frequently have to turn people away. If I cannot secure a zoning change I will have no choice but to move my home. I believe that as my residents are entitled to the best possible conditions, we should be granted the necessary changes that will permit us to stay in this neighbourhood. Not only would the residents be losing their rights to be living in a neighbourhood, I would be losing my right as well as this is my residence also.

Reasons Supporting Expansion

My specific reasons for requesting a By-Law modification to permit the eventual accommodation of 15 residents at 153 George Street may be summarized as follows:

- . The property is ideally well suited to a second level lodging home (or residential care facility) because:
 - the house is large and has 9 bedrooms, 2 bathrooms, a washroom, a large kitchen and a high and dry basement.
 - the lot is large and has a generous rear yard so that there is room for a sitting-out area, building expansion, and a garden.
 - there is a large veranda along the west-side of the house.

- the house is located within walking distance of a wide variety of public, cultural, recreational and commercial facilities, as well as public transit.
- . The "home" is not financially viable with only 5 residents.
- . The requested increase in the permitted number of residents would make it appropriate and financially feasible to improve the home environment for the residents through the construction of a large recreation room and a small ventilated smoking room in the basement.

In addition, it would financially allow for the complete renovation of the property which would beneficially affect the neighbourhood.

- . The requested increase in the number of residents would allow for a greater degree of social interaction among residents and thereby would reduce possible feelings of boredom and isolation. (NOTE: A "home" that exceeds approximately 20 residents would become a mini institution, no longer providing a home environment and therefore would not be in the interest of residents.)
- . There is a great demand for quality accommodation of this nature in the community, particularly in residential areas close to community facilities.
- . The house on George Street is too large to accommodate a single family and it does not lend itself to conversion into a two family dwelling.
- . Adequate off-street parking can be provided.

- . The home would be both compatible and in character with existing and permitted uses within the area. Along the north side of George Street, east of Ray Street South, there are three detached dwellings, two of which have offices, and parking lot; along the south side of George Street to the east of the subject property there are four detached dwellings and two multi-family residences; along the east side of Ray Street South to the south of the subject property there is a vacant lot, a detached dwelling and apartments; along the west side of Ray Street South, south of George Street, there is a three floor apartment building and immediately west of this two high-rise apartments, two and three family dwellings, a multi-family dwelling and a commercial establishment; along the west side of Ray Street South to the north of George Street there is a fire hall and to the west of the fire hall high-rise apartment, and commercial establishments; and along the east side of Ray Street South, north of George Street there is a parking lot and the Grand Lodge. The mixture of landuses is fairly typical of a core neighbourhood.
- . The property is located at the periphery of a small area centred around George Street, between Ray Street South and Queens Street, which is zoned residential "D" District. The areas to the south and to the west are zoned multiple-family "E" District; and the area along the south-side of King Street West is zoned commercial "H" District. Therefore, the immediate area around the subject property is characterized not only by a wide variety of land uses but also by zoning that allows for a variety of landuses. In comparison to uses existing and permitted to the south and across Ray Street South, the proposed lodging home would be a much less intensive use. (NOTE: It is my understanding that some years ago the City proposed that the "D" zoned area along George Street be rezoned to permit an expansion of Hess Village. A

retail and office use of this area would be a mistake in my opinion.)

- . Staff from various departments regulating my home at 255 Caroline Street and at 153 George Street, as well as residents and their relatives, have expressed the view that my son and I run excellent homes. I take pride and satisfaction in the reputation of my homes.

My general observations about the effect of the By-Law as it regulates residential care facilities is that:

- It discourages such homes to locate in residential neighbourhoods because of the 6 persons limitation (affecting viability) and the separation requirement.
- It encourages such homes to locate in commercial and multi-family areas, which are in short supply and which usually are not well suited to such homes because of adverse environmental factors, and a high cost of property acquisition.

I believe that such residents deserve and need to live in a "normal" residential environment (like anyone else) and in homes that are large enough to be viable and to provide a proper home environment.

Off-Street Parking Modification

The Zoning By-Law requires that 5 off-street parking spaces be provided for a 15 person lodging home (i.e. 1 space per 3 beds). Currently there is a circular paved driveway along George Street and accommodation for 2 parking spaces, in addition to temporary parking on the driveway.

The attached plan shows how provision could be made for an additional car space in the front yard without significantly changing the attractive appearance of the front yard.

However, the provision of 5 car spaces as required under the By-Law would result in most of the front yard being paved over, as well as the elimination of the circular driveway. This would be most unfortunate and is avoidable.

Based upon many years of operating my home on Caroline Street I have no hesitation in expressing the opinion that 3 parking spaces should be more than sufficient for a 15 person home, considering that:

- Residents receive few, if any visitors.
- Visitors usually pick up lodgers to take them elsewhere.
- Many visitors use public transit.
- I use one space and there is little other demand for parking (e.g. deliveries).

Since it is unlikely that even the third space would see much use, I should like to construct it either of paving stones, or pierced concrete blocks to allow for grass to grow (in topsoil) in the crevices of each block in order to maximize the landscaped appearance of the front yard.

Concluding Comments

I respectfully request that the Planning Staff and Planning Committee support my request for a By-Law modification, based upon the particular and exceptional circumstances applicable in this

case. A favourable Council decision will benefit a segment of society who is least able to promote its legitimate interests. A principal interest is good lodging accommodation.

Should anyone wish to have a tour of the house, I would be happy to arrange this.

Mrs. K. Ward

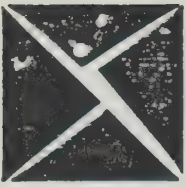
P.S. It is requested that the foregoing submission and letters be attached to the planning staff report for the information of the Planning Committee.

Hamilton
Feb 28/89

To whom it may Concern: I have
worked in many Residential homes
through the years & find Mrs
Hards the best.

Mrs Hards home are well kept
and the food is very good.
The students are happy & are well
cared for by Mrs Hards & her
son Michael. I enjoy working
for Kathy & Michael. They are
honest hard working people
who are considerate of student
& staff.

Yours truly
Joan Smith.



Canadian
Mental
Health
Association
Hamilton - Wentworth Branch

1 Hunter Street, East
Hamilton, Ontario
L8N 3W1
(416) 521-0000

March 30, 1989

Chairman & Members of
Planning Committee
City Hall
71 Main St. W.
Hamilton, ON
L8N 3T4

Dear Committee Members:

Re: Zoning Application 153 George Street

I have been informed by Kathleen Ward that she has submitted an application to you for the re-zoning of her property at 153 George St. I understand Mrs. Ward wishes to maintain this residence as a second level lodging home for ex-psychiatric patients.

I have worked with Mrs. Ward for many occasions over the last 1 1/2 years in my capacity as case manager with the Community Enrichment Program at the Canadian Mental Health Association. I have been consistently impressed by the high quality of care provided by Mrs. Ward to her residents and have seen first hand how these individuals have thrived in this healthy, caring environment.

Mrs. Ward's high level of commitment is mirrored by her energetic staff who provide excellent nutrition, a comfortable home atmosphere, insight regarding resident's ongoing individual needs and supportive guidance as required. Staff members, and in particular Mrs. Ward herself, have been actively involved in supporting treatment plans set up by myself or other community professionals.

.. /2

A Member Agency Of The United Way

2/...

Mrs. Ward's underlying humanitarian concerns coupled with her extensive knowledge of the needs of this particular population results in her maintaining a residence where an individual's integrity and self respect will be assured. To this end, she has provided a high quality residential environment in keeping with (or surpassing) neighborhood standards.

In view of these very positive professional experiences with Mrs. Ward, I wish to lend support to her re-zoning application. I would be pleased to provide further information if required.

Yours very truly,


Carol Wilkinson, M.S.W.

lw

cc: Kathleen Ward

April 1, 1989.

To Whom It May Concern

Re: Kathy Ward

I am writing this letter of recommendation for Kathy Ward whom I have known professionally for more than 10 years. During this time, I have placed a number of clients suffering from psychiatric disorders in her home. Kathy's home is always my first choice because she possesses those qualities which facilitate recovery from mental illness while at the same time fostering autonomy and independence in the individuals she cares for. Unfortunately, there have been several instances when I had a client who could have benefitted from the environment in Kathy's home but there has not been a vacancy. Therefore, I have no hesitancy in supporting her proposal to increase the size of her home. While there may be vacancies in the second-level lodging home system the important factor is to be able to match the client's needs with the home environment provided by the operator and in this regard Kathy provides the kind of environment in which the clients are able to thrive.

I trust that you will favourably consider her proposal so that more clients will be able to benefit from the care she provides.

Sincerely,

A handwritten signature in cursive script that reads "Pat Saunders". The signature is fluid and elegant, with a large initial "P" and a long, sweeping underline.

Pat Saunders,
B.A., B.S.W., C.S.W.



Ontario

Ministry Ministère
of de
Health la Santé

P.O. Box 585
Hamilton, Ontario
L8N 3K7

C.P. 585
Hamilton (Ontario)
L8N 3K7

Hamilton Hôpital
Psychiatric psychiatrique
Hospital de Hamilton

(416) 388-2511

Community Housing Coordination Service
Social Work Department
Homes for Special Care Program

February 27, 1989

TO WHOM IT MAY CONCERN:

RE: Kathleen Ward
255 Caroline Street, Hamilton, Ontario

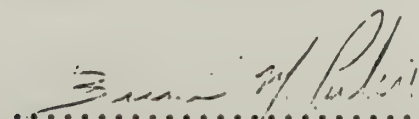
Mrs. Kathleen Ward has asked that I prepare a reference letter on her behalf and without hesitation or difficulty I can assume that responsibility. I have had dealings with Mrs. Ward regarding clinical matters within my job capacity as Coordinator, Community Housing Coordination Service, Hamilton Psychiatric Hospital, for the past 7 years. During this time, my association with her has been a pleasant one from both an administrative, as well as a clinical point of view regarding her clients.

Mrs. Ward presents as an energetic, sincere person who seriously takes the time to carefully work with our psychiatric clientele. Having an Approved Family Home licence from this hospital, I have had great success in placing very difficult psychiatric patients into her home. I believe the success rests largely through her intervention of being caring, sincere, thoughtful and respectful of each individual patient placed into her home.

As an Operator of a residential home, Mrs. Ward provides the necessary structure, is clear in her responses with this patient population and certainly is supportive. This combination of personal attributes provides a safe, calm residential environment.

I recommend Mrs. Ward highly regarding any future endeavours with residential care of psychiatric patients.

Should you have any further questions regarding Mrs. Kathleen Ward, please do not hesitate to call me at 575-6008.



Brian Leckie, M.S.W., C.S.W.
Coordinator

Monday, May 21st.1988.

To whom it may concern:

I have known Kathy Ward for the past 14 years and have visited her home regularly over the past 10 years. Also I have accompanied her on a number of the activities she has planned for residents. I have found that she always gives high quality care to the residents in her home and is very concerned about every aspect of their well-being. I have been impressed by how well residents have done in her home.

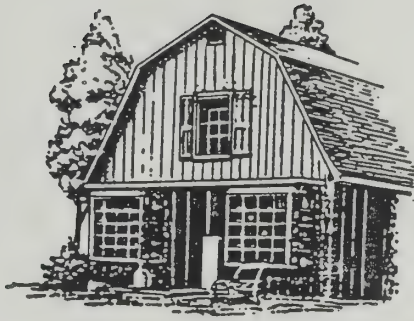
Kathy is a very reliable, hard-working and caring person who is always concerned about working on behalf of the residents in her care. If any more information is required please contact me at one of the following numbers.

Home: 664-3589
Work: 561-1091

Yours sincerely,

Teresa Murray

The Chandelier Antiques



2107 LAKESHORE ROAD
BURLINGTON, ONTARIO
L7R 1A4
PHONE 634-2045

TO WHOM THIS MAY CONCERN:

My daughter Beverly Johnson is under the care of Kathy Ward and has been so for around eight years.

I consider Kathy to be honest, hard working and above all she is such a caring person for all the people under her care.

They all have their special problems and Kathy is the one who listens to sort them all out.

I consider it an honour to have Kathy as a true friend and that my daughter is one for which Kathy cares.

Sincerely,

Harold W. Johnson
Harold Johnson

22.

F O R A C T I O N

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: September 5, 1989
COMM FILE:
DEPT FILE: ZA-89-74
Jerome
Neighbourhood

SEP 7 1989

SUBJECT:

Amended application for changes in zoning for properties municipally known as Nos. 197 and 211 Stone Church Road East.

RECOMMENDATION:

- 1) That approval be given to Official Plan Amendment No. to redesignate the subject lands from "OPEN SPACE" to "MAJOR INSTITUTIONAL", and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- 2) That approval be given to Zoning Application 89-74, Griffin Development Corporation, prospective owner, for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District (Block "2"), to permit a combined one storey 62 bed nursing home and a three storey senior citizens multiple dwelling (retirement home) having 83 units, on property municipally known as Nos. 197 and 211 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
 - ii) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District;

- iii) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593 applicable to Blocks "1" and "2" be modified to include the following variances as special requirements:
 - a) That notwithstanding the provisions of Section 10C(1), the following use shall be permitted:
 - o a combined one storey 62 bed nursing home and a three storey 83 unit senior citizens multiple dwelling;
 - b) That notwithstanding Section 10C(3)(i)(b), a minimum front yard depth of 11.4 m shall be provided and maintained;
 - c) That notwithstanding Section 10C(3)(iii)(b), a minimum rear yard depth of 8.5 m shall be provided and maintained along the westerly lot line within 30.0 m of Stone Church Road East;
 - d) That notwithstanding Section 18A (14) a parking area shall be permitted in the required front yard within 7.5 m of the street line;
 - e) That notwithstanding Section 18A. TABLE 1 a minimum of 63 parking spaces shall be provided and maintained for the combined nursing home/senior citizens multiple dwelling use mentioned in clause a) above.
 - f) That for the purposes of this By-law, a senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older;
 - iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-9C be notated S- ;
 - v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;
 - vi) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton-Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth;
 - vii) That the Jerome Neighbourhood Plan be amended by redesignating the subject lands from "INSTITUTIONAL AND RECREATIONAL" to "CIVIC AND INSTITUTIONAL". In addition, the Jerome Neighbourhood Plan be reviewed respecting changes to the land use and road pattern for the lands immediately to the west of the site in question.

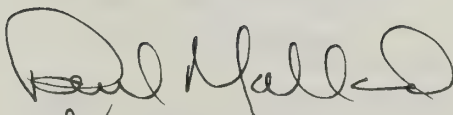
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District (Block "2"), for property located at Nos. 197 and 211 Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

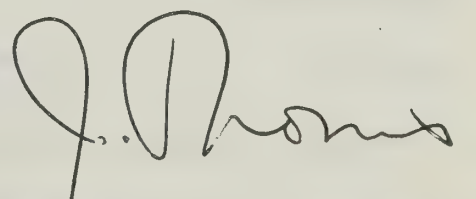
The effect of the By-law is to permit a combined one storey 62 bed nursing home, and a three-storey senior citizens multiple dwelling (i.e. retirement home) having 83 dwelling units for the accommodation of residents at least 60 years of age or older.

In addition, the By-law provides for the following variances as special requirements:

- o a minimum front yard of 11.4 m, whereas a minimum of 12.0 m is required from Upper Wellington Street;
- o a minimum rear yard of 8.5 m along the westerly lot line within 30.0 m of Stone Church Road East, whereas a minimum of 13.5 m is required;
- o to permit parking spaces in the required front yard within 7.5 m of the street line, whereas no front yard parking is permitted within 12.0 m;
- o to require a minimum of 63 parking spaces to be provided and maintained on the site, whereas 125 parking spaces are required.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The purpose of the proposed change in zoning is to permit development of the subject properties for a combined one storey, 62 bed nursing home and a three storey senior citizens multiple dwelling (retirement home), having 83 units. A total of 63 parking spaces will be provided (see APPENDIX "B").

APPLICANT

Griffin Development Corporation, prospective owner.

LOT SIZE AND AREA

- o 150.88 m (495.0 ft.) of lot frontage on Upper Wellington Street;
- o 74.55 m (244.58 ft.) of flankage on Stone Church Road; and,
- o 1.1 ha (2.77 ac) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Two single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Vacant lands and single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	Vacant	"AA" (Agricultural) District
to the east	Single-family dwellings and the Mount Hamilton Senior Centre residence	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "DE" (Low Density Multiple Dwellings) District, modified
to the west	Single-family dwellings and vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The site is designated "OPEN SPACE" on Schedule "A" - Land Use Concept Plan of the Official Plan, and identified as part of the "MULTI-CENTRE" on Schedule "G" of the Official Plan.

The proposal conflicts with the "OPEN SPACE" land use designation, but would comply with the intent of the "MULTI-CENTRE" designation which provides for a variety of land uses within this specific designation. Approval of the application would require redesignation of the subject lands from "OPEN SPACE" to "MAJOR INSTITUTIONAL".

NEIGHBOURHOOD PLAN

Designated for "INSTITUTIONAL AND RECREATIONAL" use on the approved Jerome Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation from "INSTITUTIONAL AND RECREATIONAL" to "CIVIC AND INSTITUTIONAL". In addition, the Jerome Neighbourhood Plan should be reviewed to determine necessary changes to the land use and road pattern for the lands immediately to the west of the site in question.

COMMENTS RECEIVED

o The Building Department has advised as follows:

"1. The minimum required yards are as follows:

Front Yard	12.0 m Upper Wellington
Side Yards	3.63 m (North)
	8.13 m (South)
Rear Yard	13.5 m (West)

2. The canopy is considered a carriage porch and conforms to the minimum 1.5 m from the street line of Upper Wellington.
3. The required parking area shall not be located in the required front yard.
4. The access driveway for a multiple dwelling shall be at least 3.0 m from the westerly lot line adjoining the residential district.
5. A nursing home for 62 patients requires a minimum 21 parking spaces.
6. A multiple dwelling containing 83 units requires a minimum 104 parking spaces and one 18.0 m x 3.7 m x 4.3 m loading space.

7. The parking area adjoining the residential district to the west and north requires a landscaped area with a 1.5 m wide planting strip and a visual barrier of a minimum 1.2 m to a maximum 2.0 m in height along the lot line.

N.B. The required front yard shall be measured from the service entrance which appears to be closest to the lot line".

o The Traffic Department has advised that:

- "1. We would support this project with the minimum of 63 parking spaces (83 Bed Retirement Home, 62 Bed Nursing Home).
2. We do not support the one way driveway system to Stone Church Road. Site Plan must therefore be modified.
3. Loading space must be located on plan so that we can review proposed access to loading (18 x 3.7 x 4.3 m).
4. If a variance were proposed to reduce/eliminate that 3 m setback of the driveway from the western property line, we would have no comment",

o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains are available. Sanitary and storm sewers will be available to service the subject land via Stone Church Road early in 1990.

The designated road allowance width of Stone Church Road is 30.48 m (100 feet). As a condition of approval, sufficient land is to be dedicated to the Region to establish the property line 15.24 m from the centre line of Stone Church Road plus at 12.19 m x 12.19 m daylight triangle at the widened limits of Upper Wellington and Stone Church Road.

These lands should be developed under site plan control. At that time, specific items and details will be dealt with".

o The Hamilton-Wentworth Department of Social Services has advised that:

- "1. Local Second Level Lodging House and Provincial Nursing Home legislation will deal with the physical plans for the nursing home and retirement home facilities, so our comments in these areas are not necessary.

2. The population of retirement homes is usually in good health and in need of minimal assistance with activities of daily living; they shop, visit, etc., because they are mobile. The location of this home is quite remote, at the moment, but the area is developing quickly; within a few years, what are now farmer's fields likely will be residential neighbourhoods. Consequently, the location is adequate, if not presently ideal for "socialization". In addition, there is HSR service along Upper Wellington Street which will serve the residents of this proposed home in accessing the rest of the City.
 3. Combining retirement and nursing beds provides a continuity of care for residents and is compatible with the "services in place" philosophy currently supported by the Provincial Government, and with which we concur".
- o The Local Architectural Conservation Advisory Committee Staff, The Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police have no comments or objections.

COMMENTS

1. The proposal conflicts with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment to redesignate the subject lands from "OPEN SPACE" to "MAJOR INSTITUTIONAL".
2. The proposal conflicts with the intent of the approved Jerome Neighbourhood Plan. Approval of the application would require redesignation of the subject lands from "INSTITUTIONAL AND RECREATION" to "CIVIC AND INSTITUTIONAL". In addition, the Jerome Neighbourhood Plan should be reviewed to determine necessary changes to the land use and road pattern for the lands immediately to the west of the site in question.
3. The proposal has merit and can be supported for the following reasons:
 - o because of the aging population, there is a growing demand for this type of retirement facility;
 - o the site is suitably located on the periphery of the Jerome Neighbourhood where more intense type development is encouraged to locate along the major arterial roadway system;
 - o it is situated within the Ryckmans Multi-centre which will provide for a variety of land uses in groupings around the intersection of Upper Wellington and Stone Church Road East;
 - o it is situated on a public transit route;

- o it is in close proximity to a future shopping centre at the south-east corner of Upper Wellington and Stone Church Road East;
- o it will be close to other amenities such as churches, medical offices etc.;
- o the proposed building having a maximum height of three stories would be compatible with the existing low profile development and future development contemplated in this area;

4. On the basis of a preliminary site plan, the following variances have been identified:

- o Section 10C(3)(i)(b) Minimum Front Yard

For a lot on the same side of the street between two intersecting streets which adjoin another zoning district, a setback as required by the most restrictive of the two zones is required. In this case, the subject property immediately adjoins a "C" (Urban Protected

Residential, etc.) District to the north which requires a minimum front yard setback from Upper Wellington Street of 6.0 m, and an "AA" (Agricultural) District further to the north which requires a minimum setback of 12.0 m, whereas 11.4 m is proposed. As the site immediately adjoins a "C" District requiring only a 6.0 m setback, the requested variance is considered to be minor in nature and can be supported.

- o Section 10C(3)(iii)(b) Minimum Rear Yard

A minimum rear yard of 13.5 m is required, whereas a minimum of 6.4 m is proposed for the portion of the building within 30.0 m of Stone Church Road East. A variance to reduce the required rear yard for the south-westerly portion of the building can be supported provided that a distance of 3.0 m is maintained between the access driveway and the westerly property line, and that a two-way driveway having a minimum width of 5.5 m is provided and maintained as per Traffic Department requirements. This would result in a minimum rear yard of 8.5 m instead of the 6.4 m proposed by the applicant. It should be noted that the bulk of the building will provide a minimum rear yard setback of 20.6 m.

- o Section 18A.(11)(b) & (14) Parking in the required Front Yard

A front yard setback of 7.5 m is proposed for 13 of the required parking spaces, whereas a minimum setback of 12.0 m is required within 3.0 m of the residential district. As the proposed parking area directly adjoins the "C" zoned portion along the northerly property line which requires a minimum front yard setback of 6.0 m, the requested variance is considered minor in nature and can be supported.

o Section 18A.(25) Location of Access Driveway

Where a multiple dwelling is adjacent to a residential district which does not permit such uses, every access driveway to the multiple dwelling shall be located not less than 3.0 m from the common boundary between the district which permits the multiple dwelling and the district which does not permit such use. In this case, the driveway is to be located 1.5 m from the common boundary between the "DE-3" and "C" Districts instead of the required 3.0 m. The requested variance cannot be supported. The Traffic Department has advised that it is opposed to the one-way driveway at the rear of the building. In order to accommodate the required 3.0 m wide driveway setback, and 5.5 m wide two-way driveway, the applicant will have to amend the submitted site plan.

o Section 18A. TABLE 1 (g) Parking

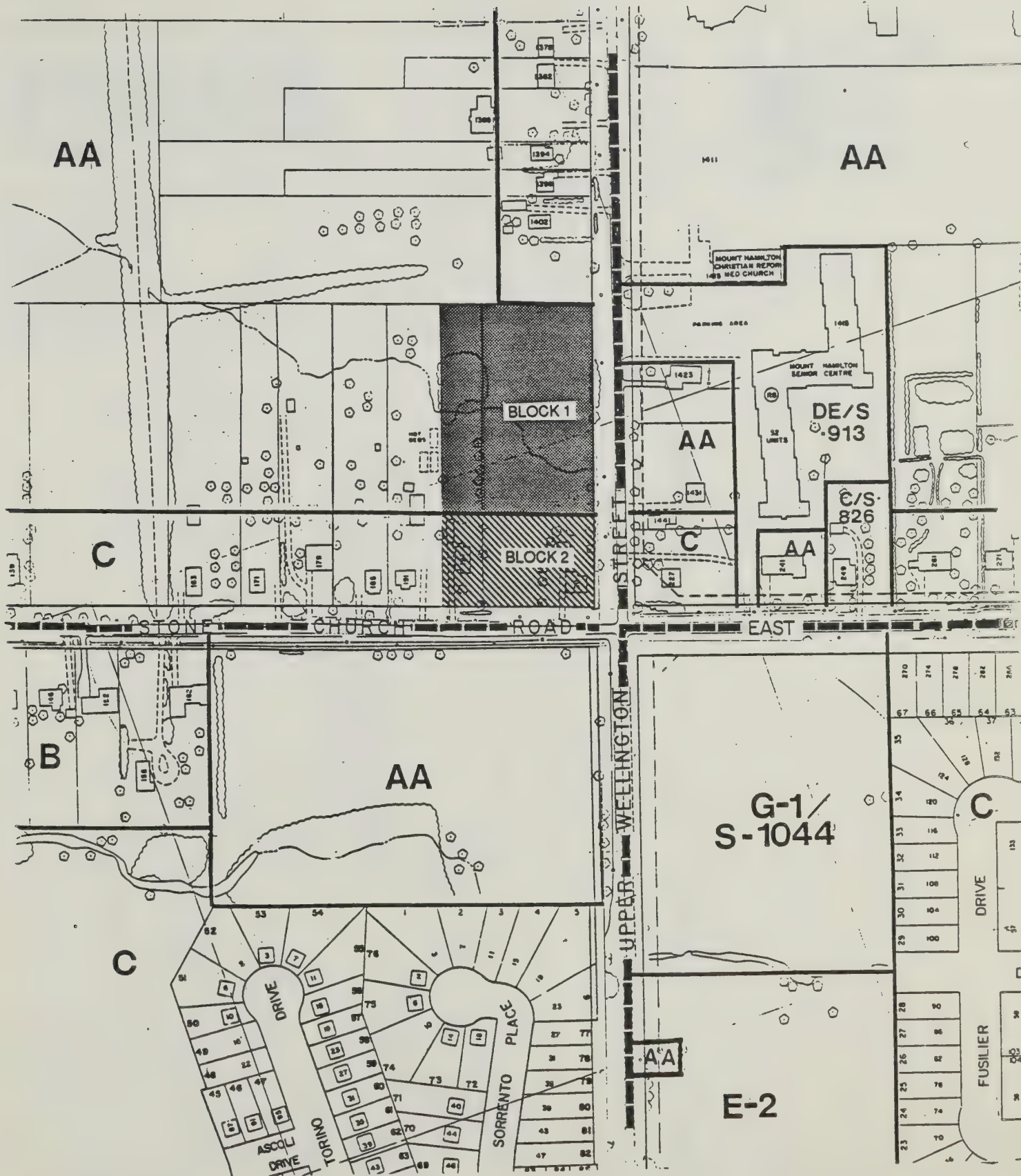
As set out in TABLE 1 of the Parking and Loading Regulations of Zoning By-law No. 6593, a multiple dwelling requires a minimum of 1.25 parking spaces for each Class A dwelling unit. The proposed "retirement home" component is considered a "multiple dwelling" for purposes of By-law interpretation. Technically a minimum of 104 parking spaces (83 units x 1.25) would be required. With respect to the "nursing home" component, a minimum of 21 parking spaces (1/3 beds or 63 - 3) would be required, for a total of 125 spaces (104 + 21), whereas only 63 spaces are proposed. In comparison, a minimum of 25 spaces would be required for the "retirement home" component if it qualified as a "home for elderly persons" (83 units x 0.3 spaces). This would result in a total requirement of 46 spaces (25 + 21), whereas 63 spaces are proposed. Considering the similarity in nature of the proposed "retirement home" and a "home for elderly persons", and that the Traffic Department supports the requested reduction in parking, the variance can be supported.


5. The "DE-3" (Multiple Dwellings) District is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. Matters such as parking, landscaping, access, grading fencing, loading, etc., will be further reviewed at the site plan approval stage of the development.
6. The Engineering Department has advised that municipal sewers (sanitary and storm) will not be available to service the subject land until early 1990. Given the imminence of servicing it would not be necessary to place the lands under the Holding ('H') provisions of the Planning Act.

It is understood that the Building Department would not issue a Building Permit until the sewer connections are available.

CONCLUSION

On the basis of the foregoing, the application can be supported.




 ZA 89-74

23.

FOR ACTION

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

DATE: 1989 August 31

COMM. FILE:

FROM: J. D. Thoms, Commissioner
Planning and Development Dept.

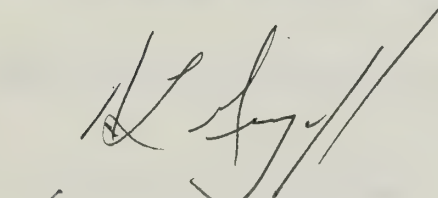
DEPT. FILE: P5-4-35

SUBJECT

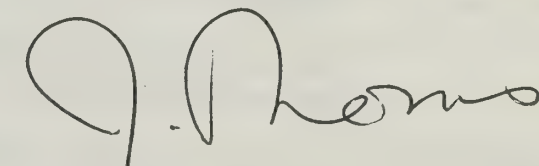
Gateway East Study (Centennial Parkway from Confederation Park to Queenston Road) - Public Meeting.

RECOMMENDATION

That staff be directed to review all input received from the public, and the comments of the Traffic Department, and prepare final recommendations on the study proposals for the Committee's consideration at a future meeting.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

Planning and Development Committee, at its meeting of June 14, 1989, directed staff to schedule an Open House and a Public Meeting to present the proposals of the Gateway East Study to the public.

Accordingly, a Public Notice letter was sent out July 21, 1989 advising of two Open Houses to be held at Eastgate Square on August 9 and 10, 1989, between 4:00 p.m. and 8:30 p.m., and a Public Meeting of the Planning and Development Committee to be held on September 13, 1989 at 4:30. (See Appendix 1 attached).

The purpose of this Public Meeting is to formally present the study findings and its proposed amendments to the Official Plan, (see Appendix 2 attached) and to receive input from the public on these proposals.

REPORT

The Open Houses were set up at the Community Booth at Eastgate Square and staff was available throughout the display times.

On average 100 persons per evening took the opportunity to view the display, and make comments and ask questions. In addition, 12 people requested notification regarding the outcome of the study, and 6 requested copies of the study.

Comments from interested residents and area business persons included:

- "pleased to see the City was going to do something to improve the appearance of the street";
- "more sidewalks are needed and their installation should be given high priority";
- "pleased that more suitable uses are being proposed for Waxman property - heavy industrial uses are not appropriate in that location"; and,
- "would a low rise office building on the west side of Centennial Parkway, north of Barton Street be suitable vis a vis the study findings?"

Without a doubt, the most frequent comment was that City taking a positive step towards cleaning up and improving the appearance of the area.

To date, there have been two letters received in response to the public notice and Open House. (See Appendix 3 attached). A summary of the letters follows:

- 1) From: R. G. Wilson, President,
Hamilton Paper Box Company
65 Cascade Street
Hamilton, Ontario

Comments: Proposes that Cascade Street, which presently dead ends at the east property line of the vacant 10 acre parcel on the east side of Centennial Parkway (north of Barton Street), be extended westerly to intersect with Centennial Parkway. This would relieve anticipated congestion at Barton and Covington Streets, both from future development of the vacant lands, and as well as further development along Cascade Street. This suggestion has been forwarded to the City Traffic Department for a response.

2) From: J. C. Walsh
Operations Services
CN Rail

Comments: Expresses some concern regarding proposed uses adjacent to the rail line including such "places of assemblage" as theatres, medical centres and large commercial centres. They recommend that future development adjacent to the railway address the following:

- 1) any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the railway and be substantiated by a drainage report to the satisfaction of the railway;
- 2) surface runoffs from the site must be constrained to predevelopment levels under the more severe of a Regional or 100 year storm conditions;
- 3) the applicant must install and maintain at his own expense, a chain link fence of a minimum of 1.8 m (6 feet) in height along the mutual property line; and,
- 4) proponents should endeavor to provide a building setback of 30 m from the railway right-of-way.

They recommend that these requirements be incorporated into the study recommendations. They also note that the railway should be advised in advance of any alterations being proposed at the existing crossing of Centennial Parkway and the Grimsby Subdivision.

In addition, in response to the internal circulation of the study earlier this year, the Traffic Department identified concerns regarding the potential impacts of the uses being proposed north of Barton Street, particularly on the Waxman site and the vacant 10 acre parcel immediately to the south. Accordingly, they are currently undertaking an analysis of this situation and their comments on this matter are expected in the near future.

CONCLUSION

In light of the input received as a result of the public notice and this public meeting, and the concerns of the Traffic Department, it is advisable that staff be directed to review and respond to these comments, and prepare final recommendations on the proposals of this study for the Committee's consideration at future meeting.



C.F.:ND

A:\GATEWAY.EAS



APPENDIX 1

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL 526-2700

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

July 21, 1989

NOTICE OF OPEN HOUSES

You are invited to attend an OPEN HOUSE:

DATE: Wednesday, August 9, 1989 OR
Thursday, August 10, 1989

TIME: 4:00 p.m to 8:30 p.m. (both days)

PLACE: Eastgate Square, Community Bcoth, (between People's Jewellers and Charms N' Things)

PURPOSE: To review a land use and urban design concept proposed for those lands fronting on Centennial Parkway between Confederation Park and the City Limits (north of Queenston Road). A brief summary of the study findings are attached for your information.

The OPEN HOUSES will include a display featuring highlights from the study. Planning staff will be available to answer any questions you may have.

A copy of the staff report titled "GATEWAY EAST - A Study of Centennial Parkway from Confederation Park to Queenston Road" will be available for your review at the OPEN HOUSE, as well as the following locations:

- o the Planning and Development Department, Hamilton City Hall, 7th Floor, between 9:00 a.m. and 5:00 p.m.;
- o Central Public Library, 55 York Boulevard, Urban/Municipal Collection, Second Floor; and,
- o Red Hill Branch of the Public Library, 685 Queenston Road.

For inquiries, please call 526-4195 or 526-4160 between 9:00 a.m. and 5:00 p.m.

Susan Reeder, Secretary
Planning and Development Committee



CITY HALL
HAMILTON, ONTARIO
L8N 3T4
TEL 526-2700

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

July 21, 1989

NOTICE OF PUBLIC MEETING

You are invited to attend a PUBLIC MEETING:

DATE: Wednesday, September 13, 1989

TIME: 4:30 p.m.

PLACE: Council Chambers, Second Floor, Hamilton City Hall

PURPOSE: To review and make recommendations on a land use and urban design concept for those lands fronting on Centennial Parkway, between Confederation Park and the City Limits (north of Queenston Road). A brief summary of the study findings are attached for your information.

This meeting is being held in accordance with Section 17 of the Planning Act (as amended), which requires that where amendments to the Official Plan are being considered, a public meeting must be held to afford the public the opportunity to be informed and give comments on the proposals.

You are invited to present your comments to the Planning and Development Committee. Written comments may be submitted to the Secretary of the Planning and Development Committee, City Hall, 71 Main Street West, Hamilton, Ontario, L8N 3T4.

A copy of the staff report titled, "GATEWAY EAST - A Study of Centennial Parkway from Confederation Park to Queenston Road" is available for your review at the following locations:

- o The Planning and Development Department, Hamilton City Hall, 7th Floor, between 9:00 a.m. and 5:00 p.m.;
- o Central Public Library, 55 York Boulevard, Urban/Municipal Collection, Second Floor; and,
- o Red Hill Branch Library, 685 Queenston Road.

For inquiries, please call 526-4195 or 526-4160 between 9:00 a.m. and 5:00 p.m.

Susan Reeder, Secretary
Planning and Development Committee

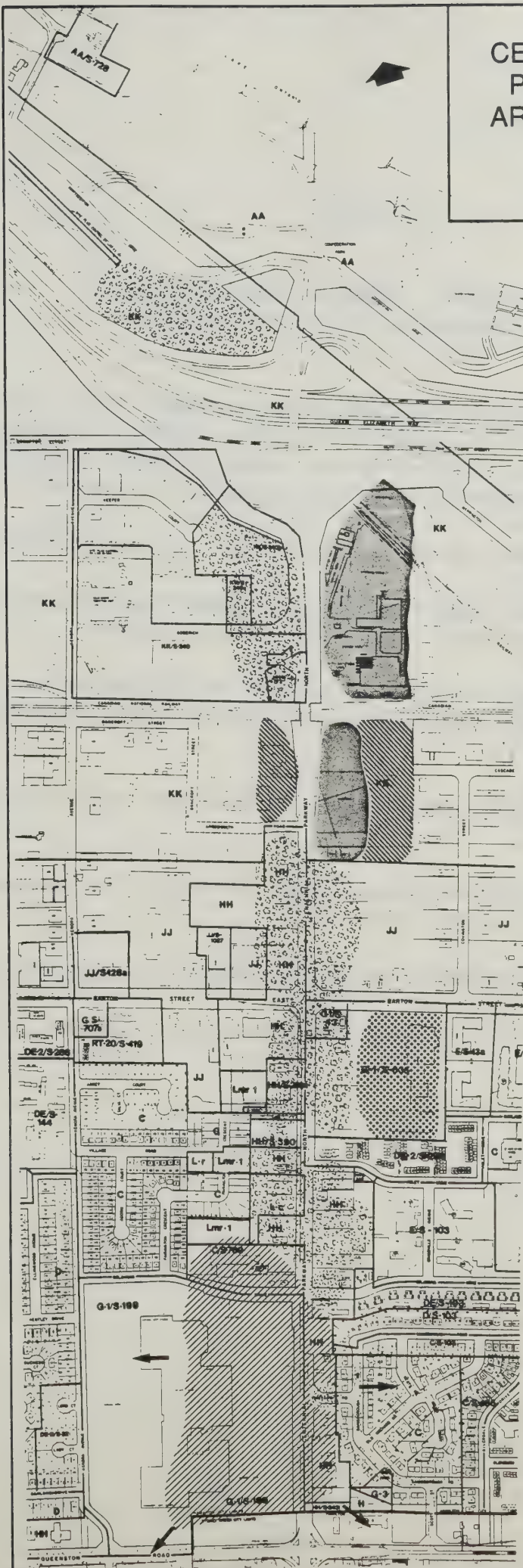
CENTENNIAL PARKWAY AREA STUDY

0 50 100
metres

Map 3

Land Use Concept

-  Local Commercial
-  Sub - Regional Centre/
Commercial
-  Extended - Highway
Commercial
-  Shopping Centre
-  Business Park/
Commercial
-  Light Industrial
-  Sub - Regional Centre
extends beyond the
study area.



SUMMARY

GATEWAY EAST - A Study of Centennial Parkway from Confederation Park to Queenston Road

The proposed land use and urban design concepts (see attached Maps 3 and 5) were developed from an extensive study undertaken at the request of the City of Hamilton Planning and Development Committee. The study explored the opportunities for encouraging tourism and related uses along Centennial Parkway from Confederation Park to the City Limits (north of Queenston Road).

The findings and recommendations proposed as a result of this study include such initiatives as:

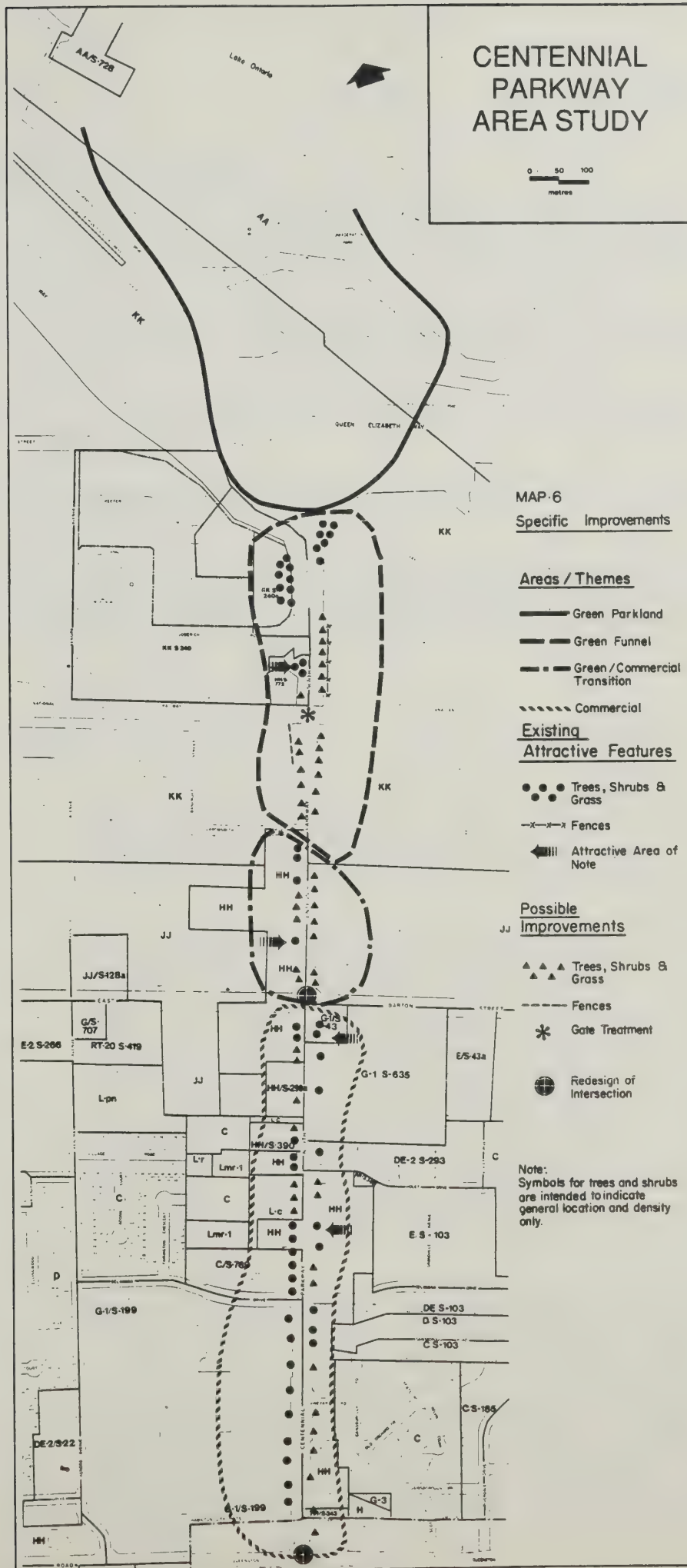
- an amendment to the City's Official Plan to recognize existing commercial uses and to encourage tourism-related commercial uses in the area north of Barton Street;
- the preparation of Neighbourhood Plans for the area north of Barton Street and amendments to the existing Neighbourhood Plans south of Barton Street, in accordance with the proposed Land Use Concept - Map 3;
- establishing Site Plan Control on all lands in the study area not presently under Site Plan Control;
- landscape improvements on publicly-owned lands within the study area in accordance with the proposed Urban Design Concept - Map 5; and,
- investigating the establishment of a local business association, amongst other recommendations.

For inquiries, please call 5260-4195 or 526-4160 between 9:00 a.m. and 5:00 a.m.

CF:CS

A:GateEast

A horizontal scale bar with markings at 0, 50, and 100 metres.



5.0 IMPLEMENTATION STRATEGY

The preceeding sections of this report have identified:

- the planning impediments to developing the area for tourism-related uses;
- the development/redevelopment opportunities for tourism-related uses;
- the actions that can be undertaken to enhance the area's image as a gateway; and
- the promotional opportunities to attract tourists to this part of the City.

For these proposals to be effective, a detailed implementation strategy is necessary. Accordingly, the purpose of this Section is to summarize all the recommendations and identify how they can be implemented.

5.1 Official Plan Amendments

Section 2.0 identified three major changes to the Official Plan which can be supported.

- the Signature Inn, retail plaza, and the Pines Motel and restaurant on the West side south of the Q.E.W. should be redesignated from "Industrial" to "Commercial" and removed from Special Policy Area 11 - Light Industrial Uses;
- the east side of Centennial Parkway from the Queen Elizabeth Way to south of the railway tracks should be redesignated from "Industrial" to "Commercial" and removed from Special Policy Area 11. This area should be included in a new Special Policy Area which will encourage recreational/entertainment/accommodation uses given their potential for such development in close proximity to the Queen Elizabeth Way interchange and Confederation Park. Provision should also be made for prestige industrial or business park-type uses, should the recreational/entertainment/accommodation uses not be realized. Policies should recognize the strategic location of these lands relative to its gateway function and encourage development/redevelopment accordingly; and,
- the two car dealerships and service station on the east side, north of Barton Street, should be redesignated from "Industrial" to "Commercial", removed from Special Policy Area 11 and placed in a new Special Policy Area limiting commercial development to those uses which support tourism and cater to the travelling public such as theatres, fitness clubs, car/truck rentals, restaurants, dinner clubs and similar uses. It should be noted that a zoning application (ZA-89-38) is now being considered for retail commercial uses on a vacant 10 acre parcel immediately south of the railway tracks.

Further, to implement some of the area improvements noted in Section 3.0, funding may be available in the future through programs offered by various levels of government. To take advantage of any such programs, the Official Plan should be amended to identify this area as a "Community Improvement Area" on Schedule "H" of the Plan.

To implement these changes, the appropriate amendment to the Official Plan should be initiated.

5.2 Zoning

Section 2.0 detailed three specific zoning initiatives consistent with the changes recommended for the Official Plan which can be supported. However, prior to proceeding with these initiatives, it is necessary that Planning staff be directed to meet with the owners/developers of the affected lands. The purpose of such discussions will be to ascertain their intentions for development/redevelopment of their lands and their receptiveness to initiating such rezonings.

5.3 Neighbourhood Plans

The two existing Neighbourhood Plans, Kentley and Riverdale West, should be updated to reflect the proposed Land Use Concept as detailed in Section 2.0 of this report. Further, Neighbourhood Plans should be prepared for Lakely and Nashdale on the same basis. High priority should be given to the revision/preparation of these Neighbourhood Plans.

In conjunction with the revision/preparation of the above-noted Neighbourhood Plans, urban design guidelines should be established for the area. These guidelines should reflect the concepts articulated in Section 3.0.

5.4 Site Plan Control

Site plan control should be established immediately for those areas not now covered by it. This will assist in the implementation of the urban design guidelines and Design Improvements.

5.5 Design Improvements

Table II in Section 3.0 details those actions (and their priority) which should be undertaken to enhance this area's importance as a gateway. These actions and priorities should be endorsed and implemented as detailed in that section.

5.6 Tourism and Marketing

Section 4.0 identifies three ways of promoting the Study Area in general and the tourist industry in particular:

- Business Improvement Area/Local Business Association. This would be geared to the commercial component of study area and implemented by the Community Development and Planning Departments;
- Identification of an area theme. This action would be an integral part of the formation of the local business association; and,
- Promotional literature. This would be prepared and distributed by the Regional Economic Development Department in consultation with the local business association. The Region's planned tourism information centre at Confederation Park is an ideal opportunity to promote the many attractions and facilities in the study area.

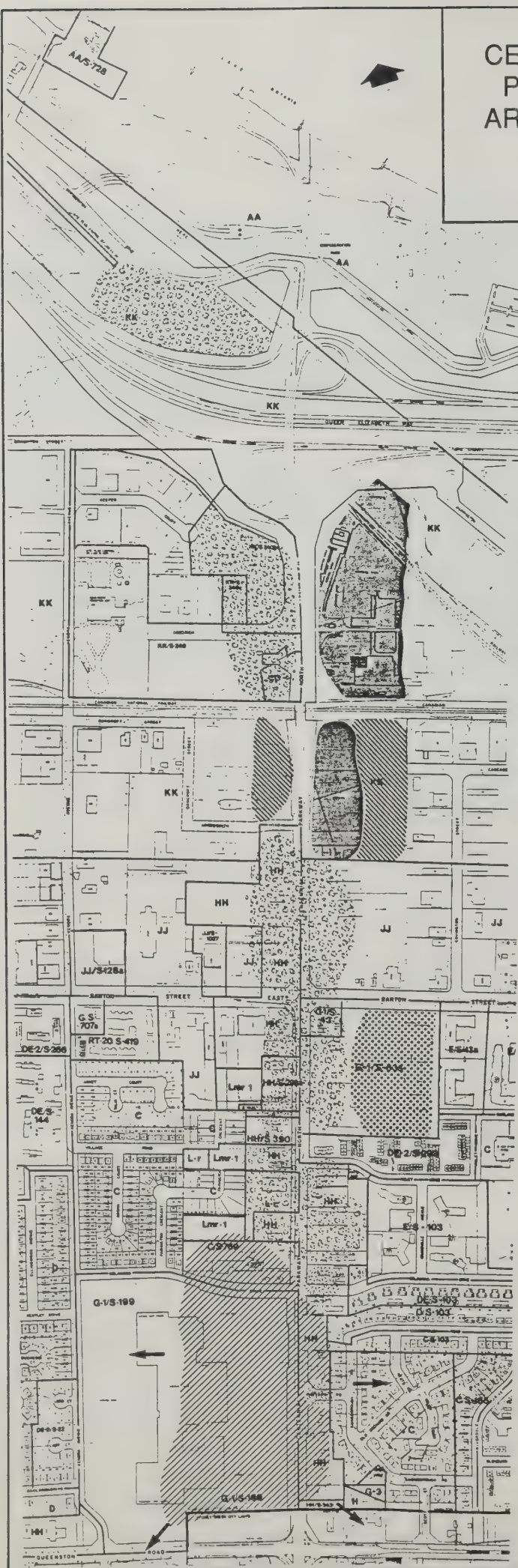
Both the City's Community Development Department and the Region's Economic Development Department should be requested to assist the Planning staff in carrying out these suggestions.

Roadway signage for this area was part of a Region-wide study. The findings of this study support the findings of the signage study. The Regional Engineering Department should be advised of this support and in particular:

- requesting the province to consider signing the Centennial Parkway interchange on the Q.E.W. as "Hamilton";
- identifying Centennial Parkway as an alternate route to the downtown; and,
- providing trail blazer signs for Confederation Park and Wild Water Works.

CENTENNIAL PARKWAY AREA STUDY

0 50 100
metres

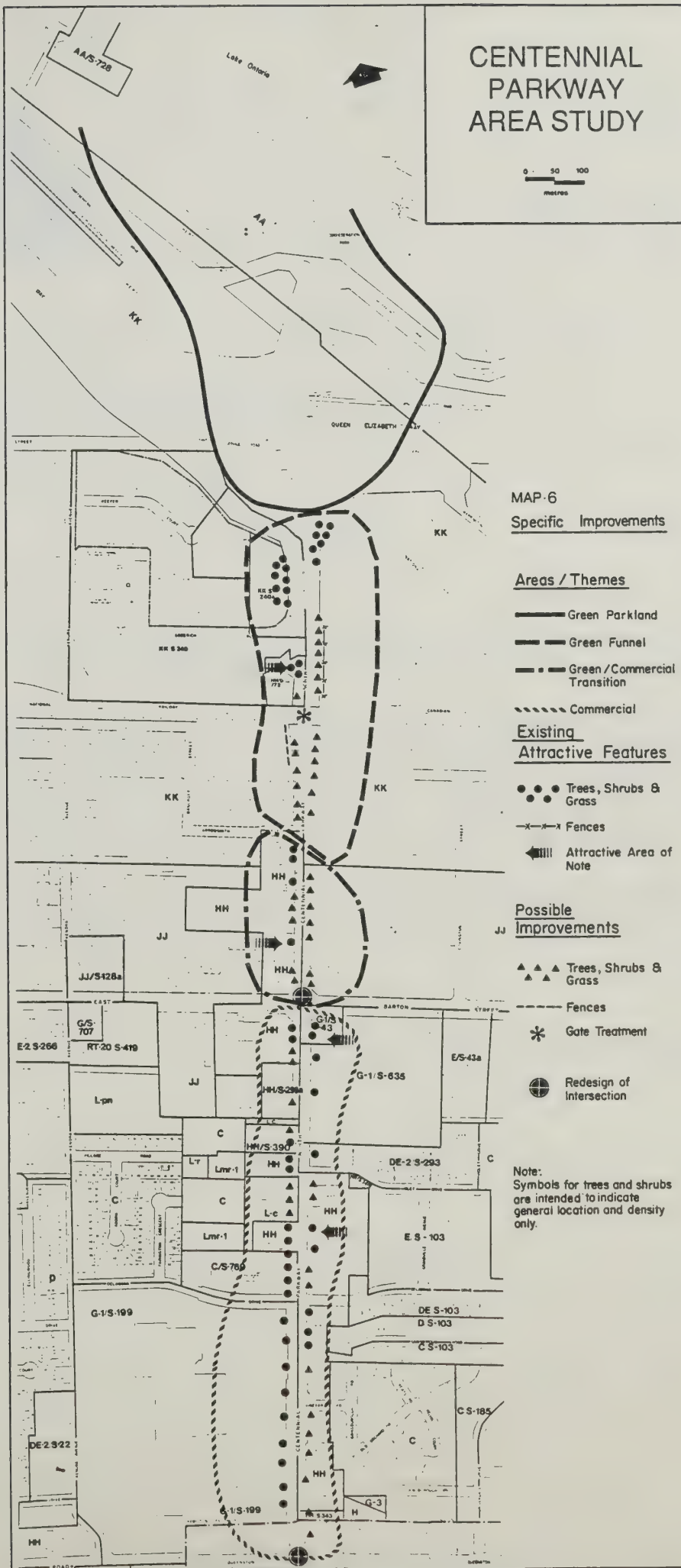


Map 3

Land Use Concept

-  Local Commercial
-  Sub - Regional Centre/ Commercial
-  Extended - Highway Commercial
-  Shopping Centre
-  Business Park/ Commercial
-  Light Industrial
-  Sub - Regional Centre extends beyond the study area.

A horizontal scale bar with markings at 0, 50, and 100 metres.





AUG 8 1989

July 27, 1989.

Secretary of the Planning & Development Committee,
Corporation of the City of Hamilton,
City Hall,
71 Main Street West,
Hamilton, Ontario. L8N 3T4

RE: "Gateway East"

Dear Sirs:

We have received your "Notice of Public Meeting" and attached material dated July 21, 1989, and would like to submit the following recommendation.

Cascade Street, which presently ends at the proposed light industrial area, be continued westward to access Centennial Parkway. There should be further light industrial development on vacant lands presently on Cascade Street and if you add to this new industrial development, you could create a serious traffic problem on Cascade Street and on the corner of Covington and Barton Streets which would be the main access for all of this industrial traffic.

Continuing Cascade Street through to Centennial Parkway with a traffic light at this location would relieve congestion presently found at the corner of Centennial and Barton Streets.

Sincerely,

HAMILTON PAPER BOX COMPANY LIMITED,

RGW/md

R. G. Wilson,
President.



Operations Services -S.O.D.
Suite 404,
277 Front St. W.
TORONTO, Ontario
M5V 2X7

9 August 1989

Your File: P5-4-35

Our File: 4500-H-08

City of Hamilton
Planning and Development Committee
City Hall
HAMILTON, Ontario
L8N 3T4

'AUG 1 1 1989

Attention: Susan Reeder
Secretary

Dear Sir/Madam

Re: Proposed Gateway East - Centennial Parkway Area Study

This refers to your notice dated 21 July 1989 concerning the subject matter.

As you may well know, both CN and CP Railways have noise, vibration and safety requirements for new residential developments when adjacent to railways. However, other types of developments are being requested to address such measures, particularly a safety berm and building setbacks. To-date, primarily "places of public assemblage" such as schools, theatres, medical centres and large commercial centres are recommended to incorporate such measures. For medium and heavy industrial uses we are not as concerned.

In general we ask that the safety component of our residential standards be addressed for places of public assemblage. Developments adjacent to our main corridors within Hamilton would require a 2.5 metre high berm, a 30 metre setback and 1.83 metre high chain link fencing.

In addition, we recommend that any adjacent development address our concerns as follows:

1. Any proposed alterations to the existing drainage pattern affecting Railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.

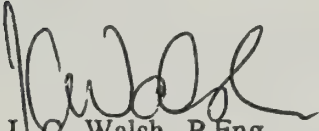
2. Surface runoff from the site must be constrained to pre-development levels under Regional or 100 year Storm conditions, which ever is most severe
3. The Applicant must install and maintain at his own expense, a chain link fence of minimum 1.8 metre (6 feet) height along the mutual property line.
4. Proponents should endeavour to provide a building setback of 30 metres from the Railway right-of-way.

We recommend that the City include a statement in the proposed study referring to our requirements noted above.

Please note that this office must be advised in advance should any alterations at the existing crossing of Centennial Parkway and our Grimsby Subdivision be proposed.

We trust this will clarify our position as it applies to all industrial/commercial developments proposed adjacent to our operated right-of-way.

Yours truly



J. C. Walsh, P.Eng.

for: G. B. Harrison, P.Eng

Technical Support Engineer

RAIL NOISE, VIBRATION AND SAFETY IMPACT POLICY

Noise and vibration sensitive areas may be considered to be those areas of land abutting or adjacent to rail right-of-ways having a passive recreation or residential component. Sensitive areas for noise generally include lands lying within 300 M of rail right-of-ways and for vibration, generally include lands lying within 75 M of rail right-of-ways.

Specific land use controls respecting rail impacts shall be exercised on lands abutting or adjacent to rail right-of-ways and the following policies shall apply:

(a) Prior to approval of applications for policy amendments, zoning by-law alterations, or subdivision or condominium control that result in or permit the creation of a new residential unit or lot or the conversion of rental residential units to freehold, cooperative or condominium ownership.

(i) said application(s) shall be circulated to the appropriate rail company for comments with regard to the recommended noise, vibration and impact mitigation measures; and

(ii) the municipality may require that the owner/developer engage a consultant to undertake an analysis of noise and/or vibration and to recommend abatement measures necessary to achieve the maximum noise level limits set by the Ministry of Environment to the satisfaction of the City and in consultation with the appropriate rail company and the Ministry of the Environment.

(b) As a condition of approval of applications as detailed in (a) preceding, provision shall be made where possible, for the registration on title and insertion in Agreements of Purchase and Sale or Lease of a warning clause with regard to the existence of and potential impacts of rail use and operations and mechanisms to ensure the ongoing maintenance of the required measures and;

(c) As a condition of approval of applications as detailed in (a) above preceding and as outlined hereafter, setbacks to address rail safety concerns shall be required for any new residential dwelling or building, in addition to an existing residential structure or a place of public assemblage from the railway right-of-way. The appropriate safety setback will be determined in consultation with the railway company and will take into account provision for safety berms, topography and intervening structures between the railway right-of-way and the new residential dwelling or building, in addition to an existing residential structure or place of public assemblage.

(d) As a condition of approval of applications as detailed in (a) above preceding the developer may be required to install and maintain combined security and acoustical fencing of a minimum height necessary to prevent trespass onto the adjacent railway right-of-way and attenuate noise to acceptable levels. As a minimum requirement, chain link security fencing of 1.83 M height will be required along the common property boundary with the railway right-of-way.

MS. C. DEITER
URBAN MUNICIPAL
LIBRARIAN



E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

URBAN MUNICIPAL
SEP-2
GOVERNMENT DOCUMENTS

1989 September 22nd

NOTICE OF SPECIAL MEETING

Planning and Development Committee
Tuesday, 1989 September 26th
6:00 o'clock p.m.
Room 233, City Hall

Susan K. Reeder
Secretary

DINNER WILL BE SERVED AT 5:00 O'CLOCK P.M. IN ROOM 233
FOR BOTH THE SPECIAL PERSONNEL COMMITTEE MEETING AND THE SPECIAL
PLANNING AND DEVELOPMENT COMMITTEE MEETING

ALL MEMBERS OF CITY COUNCIL ARE INVITED TO ATTEND THIS MEETING

SKR:dbm

A G E N D A

1. Minutes of the Special Public Meeting held Wednesday, 1989 September 13th.

TASK FORCE ON APARTMENT GARBAGE

2. Garbage and Refuse Chutes and Garbage and Storage Rooms.

INFORMATION ITEMS

3. Director of Public Works - Compacted Apartment Garbage and Closure of Incinerators.
4. Regulations to Amend Regulation 308 of Revised Regulations of Ontario, 1980 made under the Environmental Protection Act.
5. Correspondence - Manfred Rudolph, Turkstra, Mazza Associates on behalf of Dominion Management.
6. Other Business.
7. Adjournment.

Wednesday, 1989 September 13
7:00 o'clock p.m.
Lobby, City Clerk's Department
City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman H. Merling
Alderman D. Ross
Alderman M. Kiss

Regrets: Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman B. Hinkley
Alderman D. Christopherson
Alderman F. Lombardo

Also present: Alderman T. Jackson
Alderman J. Gallagher
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Director of Building Inspections
Mr. J. Pavelka, Director of Public Works
Mr. J. Weber, Hamilton-Wentworth Health Unit
Mr. J. Percy, Ministry of the Environment
Mr. F. Dobroff, Ministry of the Environment,
Regional Office
Ms. L. Lawrence, City Solicitor's Office
Approximately 128 members of the Public
Mrs. S. Glover, Acting Secretary

The Chairman welcomed everyone to the meeting and introduced the Committee and staff members present. He said the purpose of the meeting was to receive the recommendations of the Task Force on Apartment Garbage. However, as a quorum was not present, the Chairman advised that the Committee would HEAR submissions that evening and report back to the Planning and Development Committee.

Chairman's opening remarks.

Alderman Merling, the Chairman of the Task Force on Apartment Garbage, said the Task Force had been struck to address problems created by the Ministry of the Environment legislation which prohibited the use of apartment incinerators. This legislation had resulted in many apartment building owners closing down their buildings existing garbage chutes. Thereby creating numerous problems for tenants and area residents.

Chairman - Task Force on Apartment Garbage remarks.

Alderman Merling advised that numerous complaints had been received and visits carried out in the community culminating in the recommendation of the Task Force as follows:

Recommendation of the Task Force.

"The Property Standards By-law 74-74 BE AMENDED to require that garbage and refuse chutes and garbage and storage rooms in apartment buildings shall be kept in use and maintained in operation at all times".

Alderman Merling advised that if the recommendations of the Task Force were adopted by the Planning and Development Committee, they would be sent to Council for adoption and the subsequent by-law amendment in order that these recommendations could be enforced.

The tenants and area residents were then invited to make their submissions to the Committee.

Tenants and area residents submission

Maureen Humphrey - 1205 Fennell Avenue (Confederation Square Apartments)

-Maureen Humphrey (tenant)
(Confederation Square Apartments)

Ms. Humphrey said she was speaking on behalf of other tenants in her apartment building and sited cases where old people had to carry a large number of garbage bags downstairs and expressed concerns that these same people would have to take bags out to the high bins in the icy parking lots during the Winter months. She asked why the closing down of the incinerators had necessitated the closing down of the chutes.

Ms. Humphrey said that older people felt intimidated about speaking out and said that although rents kept increasing, the tenants rights were being taken away from them. She advocated the reinstatement of these chutes and replacement of the garbage bins inside the building and said she had spoken to the Property Manager who should have relayed her concerns to Mr. Arthur Weisz, the owner.

Ms. Humphrey said she also did not feel that adequate notice had been given of the meeting.

Alderman Gallagher drew attention to the plight of handicapped tenants and said the situation was doubly unacceptable in their case.

Fred Broughton - 877 Upper Gage (Eden Rock Apartment Building)

Mr. Broughton thanked the Aldermen who had met with him. He said he felt there was no reason for the action taken by the Landlords, resulting he felt, in a waste of money and council time.

Mr. Broughton drew Committee's attention to concerns he had with regard to the operation of the Eden Rock Apartment Building, including the policy for replacing appliances, the fact that no interest payment was forthcoming on the last month's cheque unless specifically requested by the tenant, and an agreement whereby new tenants were asked not to divulge rent paid or go to the Rent Review Board.

Mr. Broughton said he could find no reference in the Ministry of the Environment regulation to the closing of garbage chutes. He said that when the new compactor was installed at his apartment building, it would be necessary to take their garbage to the rear of the building. His concerns with regard to the ability of elderly and handicapped tenants to do this, and a request for a meeting in this regard with the owner had been received unsympathetically.

Mr. Broughton respectfully requested that a specific date be included in By-law 74-74, for the re-opening of the garbage chutes and suggested a date not later than September 30, 1989.

Alderman Merling advised that as soon as the proposed by-law amendment was passed by Council, it would become effective.

Frank Peck - Eden Rock Apartment Building

Mr. Peck concurred with Mr. Broughton's statements and referred to the case of a lady who was paralysed and the subsequent difficulties the new garbage arrangements would cause her.

Olive Creaser - 200 Gage Avenue South, Apartment 401 (Landlord - Mr. Adler)

Ms. Creaser advised the Committee that the chute had closed in her apartment building on June 7, and she had written to the Ministry of the Environment in this regard. She said she felt that this was very much a Provincial matter and that the By-law should not have been passed in the first place without further investigation being carried out as to how this would affect people. She said she felt that insufficient notice had been given by the Province and was happy that the Municipality were to take action in this regard.

Ms. Creaser introduced a sample of dirt which she said was taken from her windowsill that evening as an example of the pollution still in the environment.

Alderman Smith expressed concern that hospitals were still allowed to use their incinerators while apartments had to close theirs down.

Plight of
handicapped tenants.

- Fred Broughton
(tenant)
(Eden Rock
Apartment Building)

Proposed by-law
amendment.

-Frank Peck(tenant)
(Eden Rock
Apartment Building)

-Olive Creaser
(tenant)
(200 Gage Ave.South)

Hospital
Incinerators.

A representative of the Ministry of the Environment introduced a copy of an advertisement which had appeared in the Spectator on September 15, 1987 inviting public comment on the proposed regulation to ban apartment building incinerators.

Ministry of the Environment representative remarks.

Bill Davies - 102 Sherwood Rise

- Bill Davies (resident) (behind the Willshire Apartment

Mr. Davies said he was a resident living behind the Willshire Apartment building on Fennell Avenue and was attending on behalf of other residents of Sherwood Rise. He said 4 garbage containers had been placed against the residents fences resulting in garbage blowing onto their property and an offensive odour in Summer months.

Mr. Davies thanked the tenants for the good job they had done in placing the garbage in the bin, however, he said a large part of the problem was that the bins were not emptied until garbage was spilling over.

Alderman Smith said he had spoken to Mr. Weisz and advised that the situation was unacceptable to the owners of Sherwood Rise.

Unacceptable situation to owners of Sherwood Rise.

Alderman Merling cited numerous complaints received by himself and Alderman Gallagher with regard to this situation.

Numerous complaints received.

Alderman Gallagher concurred with Alderman Merling and drew attention to the situation at long week-ends when bins were overflowing and the smell was worse. He said that the quality of life in this community had been negatively impacted upon by this move.

-Long week-ends situation.
-Quality of Life.

Alderman Merling then invited apartment owners to make submissions.

Apartment owners submissions:

Harold Perry - Supervising Property Manager for Dominion Property Management

- Harold Perry (Dominion Property Management)

Mr. Perry said Dominion Property Management supervised the following apartment buildings:

- Meadowbrook, Tiara, Argyle, Concordia, Queenston Plaza.

He said in his opinion the garbage chutes on all floors of the apartment buildings should be kept closed with the exception of the chutes on the first floor. He explained that prior to May 1, 1989 the kitchen garbage of all tenants was placed into garbage chutes on each floor of the building. This fell into a sealed room in the basement and a maintenance person would shovel the garbage into incinerators several times a day.

Mr. Perry said that problems had arisen when improperly sealed garbage bags were thrown into the chutes resulting in a build-up on all floors of filth in the lining of the chutes. This build-up was unhealthy and housed lice, cockroaches, etc. He said when the upper chutes had been closed the situation improved tremendously because garbage was better bagged and wrapped. Mr. Perry said in his opinion the closing of the chutes on all but the first floor had not caused any problems and had in fact made a healthier situation.

Mr. Perry said in the buildings he supervised there was always a closed garbage room within the building, bins were kept sealed in this room until taken out on the day of disposal. He said the storage room was cleaned and deodorized daily and he felt a return to open chutes would be a return to previous problems.

- Marcel Mongeon
(Joymarmon Group)

Marcel Mongeon, General Manager of Joymarmon Group

Mr. Mongeon said of the three buildings with which he was involved, all garbage chutes were open. He said in his opinion, the by-law was unnecessary and cited the Residential Rent Act, 1986 which made provision for a tenant to apply to the Review Board and obtain a reduction in their rent. He referred to the closure of chutes being necessary for a limited period of time during the installation of compactors and the subsequent construction involved.

- Fred Rudolph,
Lawyer for:
Dominion Property
Management.

Fred Rudolph - Lawyer representing Dominion Property Management

Mr. Rudolph said he felt the amendment to the By-law unnecessary because the Property Standards By-law already provided the power to regulate this situation and suggested that the City hire more staff to enforce the Property Standards By-law.

With the closing of the chutes Mr. Rudolph said people were having to be more responsible and bag garbage properly and transport it out of the building. He cited the problem at Eden Rock Apartments where a compactor could not be physically placed near the chute area. He said it would be almost impossible for the owner to comply with the proposed by-law amendment as it would be difficult to get the garbage out of the chute room.

Referring to the difficulties of seniors or handicapped residents, Mr. Rudolph said he recognized the inconvenience and compared it to the inconvenience caused when home owners were required to set out their own garbage. He said the situation of closing the chutes had resulted in cleaner buildings.

Mr. Rudolph said in his opinion there were two separate issues:

- (1) What would be done with the garbage which used to be burned;
and
- (2) The closures of chutes which would result in a cleaner
situation.

- Leslie Barrow
(Casablanca & Capri
Apartments)

Leslie Barrow - Property Manager - Casablanca and Capri Apartments - 666
and 640 Mohawk Road East.

Mr. Barrow referred to the cleanliness of his buildings and sited a problem at 640 Mohawk Road East where the layout of the building physically precluded the installation of a compactor. He said another problem was the fact that the compactor companies were backlogged. When a compactor was installed he undertook to open the chute in the building but said to do so prior to that would attract vermin and rodents.

If passed, Mr. Barrow said the proposed by-law amendment would impact unfairly on landlords who were attempting to look after the needs of their tenants and the area residents.

- Thomas Cattle
(Concordia Apartment
Buildings)

Thomas Cattle - Superintendent - Concordia Apartment Buildings - 575
Queenston Road.

Mr. Cattle made his submission that representatives of the Task Force should visit his building. He said that a compactor was in use and only the first floor chutes were open. He said the garbage room was supervised hourly to ensure garbage was not left there.

Mr. Cattle said in his opinion he had a situation which was working and felt the by-law would discriminate against buildings which were well run. He cited the difference between compactors and outside garbage areas. He said if the chutes were opened on floors other than on the first floor, it would result in more garbage in the chutes and create a noise problem for tenants living adjacent to the chutes. Mr. Cattle advised the Committee that he was leaving the employ of Dominion Properties shortly and was speaking as a concerned citizen.

Tony Bracka - Effort Trust Co.

Mr. Bracka advised the Committee that contracts were out already for compactors and conveyor belts and his Company were trying to do the best they could to expedite the situation for the tenants. He said all garbage chutes would be re-opened when the compactors were installed.

Victor Anderson - Manager of Eden Rock Apartments

Mr. Anderson said he had recently taken over the Eden Rock Apartment building and said he felt the installation of compactors would be the end of the problems. He said he could not see the chutes being re-opened in that particular building because the garbage would then have to be carried out to the compactor. With the garbage chutes closed the garbage was presently bagged properly and carried out to the storage area.

In response to a question from Alderman Gallagher regarding the time frame for delivery and installation of compactors, 2 landlords said it would take approximately 4-1/2 months and the representative of Effort Trust expected to have the compactors installed by mid December.

Alderman Jackson said he supported the recommendation of the Task Force and commended the landlords who had shown cooperation and were simply waiting the installation of compactors before re-opening their chutes.

Alderman Smith thanked everyone for attending and in particular Alderman Merling for the effort put into dealing with this problem. He welcomed Alderman Mary Kiss and stated that the Committee still lacked a quorum in order to vote on the recommendations. He suggested that a special meeting of the Planning and Development Committee be held on Tuesday, 1989 September 26 at 6:00 o'clock p.m., prior to the regular Council meeting, in order that this matter could be dealt with as soon as possible.

There being no further meeting, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Stella Glover
Acting Secretary
1989 September 13

- Tony Bracka
(Effort Trust Co.)

- Victor Anderson
(Eden Rock Apartments)

Time frame for
delivery and
installation of
compactors.

Commendation of
Landlords.

No Quorum -
Special meeting
of the Planning &
Development Committee
- Tuesday, 1989
September 26.

Adjournment.

FOR ACTION

2.

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

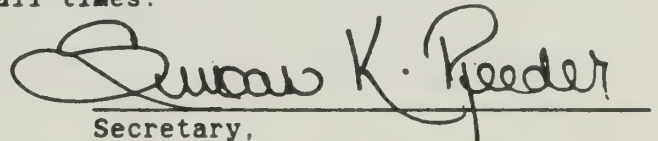
FROM: Mrs. Susan K. Reeder, Secretary
Task Force on Apartment Garbage

DATE: 1989 August 25

SUBJECT: Garbage and Refuse Chutes and Garbage and Storage Rooms.

RECOMMENDATION:

That Property Standards By-law 74-74 BE AMENDED to require that garbage and refuse chutes and garbage and storage rooms in apartment buildings shall be kept in use and maintained in operation at all times.


Secretary,
Task Force on Apartment Garbage

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Effective 1988 December 31, the Ministry of the Environment advised of a new regulation, which states in part "...no person shall operate or permit the operation of an apartment building incinerator".

As a result of this new legislation, many owners of apartment buildings with incinerators have closed down their building's existing garbage chutes. Such actions have resulted in numerous problems; namely, difficulties for seniors, odour and rodents around disposal bins placed in parking lots and effect of this situation to surrounding area residents.

As a result of complaints received by Aldermen in the affected Wards, the Planning and Development Committee established a Task Force on Apartment Garbage to review this situation and report back on recommended solutions.

The Task Force, at its meeting held Tuesday, 1989 August 22nd, APPROVED the above-noted recommendation,, and directed that it be sent to the Planning and Development Committee for consideration.

c.c. - Alderman H. Merling, Chairman of the Task Force on Apartment Garbage
- Mr. L. King, Building Commissioner
- Mr. J. Pavelka, Director of Public Works
- Mr. J. Ford, Chief Inspector, Inspection Services,
Hamilton-Wentworth Health Unit

FOR INFORMATION

3

REPORT TO: Mrs. S. K. Reeder
Secretary, Task Force on Apartment Garbage

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

DATE: 1989 September 5
COMM FILE:
DEPT FILE: 89-2000C

SUBJECT: Compacted Apartment Garbage & Closure of Incinerators

CONCLUSION:

To date, the elimination of incinerators in the City of Hamilton due to the Regulations of the Ministry of the Environment which have resulted in the installation of refuse compactors has cost the City \$28,593 per year and could potentially escalate to \$38,549 per year (in 1989 dollars) for collection of compacted garbage from apartments.

BACKGROUND:

The City of Hamilton provides a service to those apartment buildings in the City that have working garbage compactors. This service involves the collection, on a twice a week basis, of the bins of compacted waste which are placed out for collection by the owners/managers of the buildings which qualify for this service.

The Contractor for this service is Laidlaw Waste. Laidlaw is paid for this service on the basis of the number of apartment units which the Contractor is directed by the City to service. This five year Contract, which started on 1988 April 1, has an escalation clause in the Contract which changes the unit cost of the Contract by the percentage change in the Consumer Price Index, All Items, not seasonally adjusted.

The price per apartment unit from 1988 April 1 to 1989 March 31 was \$0.795 per unit per month. The unit price from 1989 April 1 to 1990 March 31 is \$0.826 per apartment unit per month.

As of the end of 1988, there were 16,174 units on the service. Additions to the service in previous years occurred sporadically.

However, in 1989, after the announcement by the Provincial Ministry of the Environment that Apartment Incinerators were to be banned effective 1989 May 31 since they could not meet emission standards, there have been a large number of additions to the service, as outlined in the following table:

Units on the Service as of 1989 January 1 - 16,174 (92 buildings)

Additions - March	-	473 (2 buildings)
- April	-	77 (1 building)
- May	-	226 (2 buildings)
- June	-	844 (6 buildings)
- July	-	736 (5 buildings)
- August	-	555 (4 buildings)
Total 1989 additions	-	2,912 (20 buildings)

Total Units on service at 1989 August 31 - 19,086 (112 buildings)

In addition, the Ministry of the Environment has provided the attached list of building addresses that, at the beginning of 1989, had incinerators in the buildings. From that list, it is estimated that there are about 1,000 more units which are reasonably likely to convert from incinerators to compaction as the method to dispose of their garbage.

The total potential for this service, in terms of number of apartment units is in the order of 20,100 units.

Based on the above and using 1989 rates, the following annualized costs for this service apply:

For 16,174 units, the annual cost would be \$158,813.

For the current total of 19,086 units, the annual costs for this service would be \$187,406.

For the total potential units which are expected to ultimately be on the service, the cost would be \$197,362.

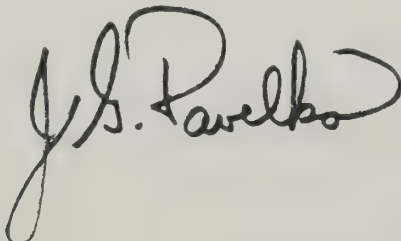
Thus, it can readily be seen that the banning of Apartment Incinerators has already cost the City of Hamilton \$28,593 on an annualized basis with the potential for this amount to escalate to \$38,549 based on 1989 dollars.

In reviewing the closure of apartment incinerators in Hamilton, several questions have been raised that should be answered:

1) What is the net gain in the reduction of emissions by municipality?

2) What is the impact on landfill sites by municipality?

3) How should the problem of refuse collection be dealt with in buildings where refuse compactors can't be installed? The solution to refuse collection where refuse compactors can't be installed must address the problems of odour and rodent control.



JGP/DH/
attach.

APARTMENT BUILDINGS WITH INCINERATORS -
POTENTIAL IMPACT ON COMPACTED APARTMENT SERVICE

NO.	STREET ADDRESS	NO. OF UNITS	LIKELY TO BE ADDED	POSSIBLE CONVERSIONS
==	=====	=====	=====	=====
21	BALMORAL S - CITY	20	0	0
2	BALSAM S - CITY	15	0	0
85	BARLAKE - CITY	118	0	0
95	BARLAKE - CITY	284	0	0
150	BAY S - CITY	47	0	0
100	BAY S - CITY	175	0	0
172	BAY S - NOT USED	79	0	0
10	BISHOPGATE - CITY	25	0	0
43	BOLD	37	0	0
47	BOLD - NOT USED	36	0	0
123	BOLD - (TRCL-LOOSE)	105	0	105
60	CAROLINE S (LDLW-LOOSE)	720	0	720
170	CAROLINE S - CITY	25	0	0
272	CAROLINE S - CITY	21	0	0
175	CATHERINE (INDSTL-LOOSE)	93	0	93
16	CHAMPLAIN - CITY	73	0	0
385	CONCESSION - CITY	22	0	0
710	CONCESSION - (LDLW-LOOSE)	60	0	60
801	CONCESSION - CITY	56	56	0
27	DUKE - CITY	29	0	0
36	DUKE - LDLW-LOOSE	28	0	0
46	DUKE - LDLW-LOOSE	13	0	0
47	DUKE - CITY	7	0	0
72/80	DUKE - LDLW-LOOSE	16	0	0
394	DUNDURN S	17	0	0
334	EAST 14TH - CITY	106	0	0
265	EMERALD N - CITY	39	0	0
71	EMERALD S - CITY	9	0	0
113	EMERALD S - CITY	28	0	0
33	FENNELL E - CITY	173	0	0
45	FENNELL E - CITY ++	77	77	0
1155	FENNELL E - CITY	263	0	0
1185	FENNELL E - CITY	263	0	0
1195	FENNELL E - CITY	198	0	0
1234	FENNELL E - CITY ++	42	42	0
1266	FENNELL E - CITY	35	0	0

APARTMENT BUILDINGS WITH INCINERATORS -
POTENTIAL IMPACT ON COMPACTED APARTMENT SERVICE

NO.	STREET ADDRESS	NO. OF UNITS	LIKELY TO BE ADDED	POSSIBLE CONVERSIONS
===	=====	=====	=====	=====
200	GAGE S - CITY	45	0	0
10	GLEN ECHO - (LDLW-LOOSE)	33	0	0
33	HERKIMER - CITY	31	0	0
41/43	HERKIMER - CITY	17	0	0
1044	KING E - CITY	14	0	0
1094	KING E - CITY	12	0	0
265	KING E - CITY	7	0	0
547	KING W - CITY	39	0	0
4/8	LONGWOOD - CITY	12	0	0
624	MAIN E - CITY	22	0	0
981	MAIN W - CITY ++	236	236	0
1001	MAIN W - CITY ++	235	235	0
1830	MAIN W - CITY	105	0	0
1938	MAIN W - CITY	32	0	0
1953	MAIN W - CITY	132	0	0
255	MELVIN - CITY ++	233	233	0
355	MELVIN - CITY	42	0	0
30	MOHAWK W - PRIVATE	81	81	0
50	MOHAWK W - CITY	20	0	0
54	MOHAWK W - CITY	47	47	0
150	MOHAWK E - CITY	203	0	0
240	MOHAWK E - PRIVATE	112	112	0
270	MOHAWK E - CITY	142	0	142
300	MOHAWK E - BUD'S CARTAGE	123	123	0
610	MOHAWK E - CITY	71	0	0
666	MOHAWK E - CITY	75	0	0
700	MOHAWK E - CITY ++	43	43	0
903	MOHAWK E - PRIVATE	103	103	0
25	NASH - CITY	61	0	0
2/4	PAISLEY N - CITY	12	0	0
157	PEARL S ++	63	63	0
155	PROSPECT S - CITY	8	0	0
385	QUEENSTON ++	67	57	0
542	QUEENSTON	85	85	0
17	ROBINSON - CITY ++	130	130	0
24	TISDALE S - CITY	53	0	0
872	UPPER GAGE - CITY	34	0	0
877	UPPER GAGE - CITY ++	170	170	0
633	UPPER JAMES - PRIVATE	72	72	0
44	VICTORIA S - CITY	21	0	0
195	WELLINGTON S - LDLW-LOOSE	143	143	0
91	WENTWORTH S	72	72	0
11	WEST PARK - CITY	13	0	0

APARTMENT BUILDINGS WITH INCINERATORS -
POTENTIAL IMPACT ON COMPACTED APARTMENT SERVICE

NO.	STREET ADDRESS	NO. OF UNITS	LIKELY TO BE ADDED	POSSIBLE CONVERSIONS
409	WHITNEY - INDSTL-LOOSE	30	0	0
418	WHITNEY - NOT USED	58	0	0
421	WHITNEY - CITY	48	0	0
		=====	=====	=====
		6,761	2,190	1,120

UNITS NOT ON INCINERATOR LIST

75 BARLAKE ++	303	303	0
285 MELVIN ++	68	68	0
575 QUEENSTON ++	231	231	0
	=====	=====	=====
TOTAL	602	602	0
GRAND TOTAL	7,363	2,792	1,120

4.

REGULATION TO AMEND
REGULATION 308 OF REVISED REGULATIONS OF ONTARIO, 1980
MADE UNDER THE
ENVIRONMENTAL PROTECTION ACT

1. Section 12 of Regulation 308 of Revised Regulations of Ontario, 1980 is revoked and the following substituted therefor:

12.--(1) In this section, "apartment incinerator" means an incinerator that is located in or on the site of a building containing more than one dwelling unit and used to burn domestic waste from more than one dwelling unit.

(2) No person shall operate or permit the operation of,

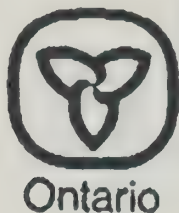
- (a) an apartment incinerator, domestic incinerator, multiple chamber incinerator or starved air incinerator burning domestic waste;
- (b) a multiple chamber incinerator or starved air incinerator burning solid industrial waste;
- (c) an incinerator burning liquid industrial waste, industrial slurries or sludges, sewage sludges or slurries, gaseous waste, organic vapour or fume; or
- (d) a municipal incinerator burning solid waste or sludges,

that causes or is likely to cause a concentration in the combustion gases emitted into the natural environment, of organic matter having a carbon content, expressed as equivalent methane, being an average of ten measurements taken at approximately one minute intervals, greater than 100 parts per million by volume, measured on an undiluted basis.

(3) Subsection (2) does not apply to prohibit the operation of a catalytic incinerator.

(4) No person shall operate or permit the operation of an apartment incinerator without a certificate of approval issued under section 8 of the Act after the 31st day of May, 1988.

(5) Subsection (4) comes into force on the 31st day of May, 1989.



news release

Ministry
of the
Environment

May 31, 1989

FOR FURTHER INFORMATION:

Peter Wolfe, (416) 424-3000
Central Region Office

Vlado Ozvacic, (416) 965-5776
Air Resources Branch

Andrew Carstairs, (416) 323-4332
Communications Branch

PROVINCEWIDE APARTMENT INCINERATOR BAN TAKES EFFECT THURSDAY

A provincewide ban on the use of apartment building incinerators goes into effect at midnight tonight.

When Environment Minister Jim Bradley announced the regulation banning apartment incinerators in the Legislature on June 9, 1988, there were approximately 1,200 apartment buildings in Ontario using incinerators for garbage disposal, half of them in Metro Toronto.

Incinerator owners and operators are responsible for the costs of converting from incineration to garbage compaction or bulk storage, and pick up by private haulers.

- 2 -

Apartment building incinerators are considered a health concern because of the wide range of pollutants contained in their emissions. Smoke, odors, flyash and soiled property are also concerns. Few apartment incinerators have been built in Ontario since the mid-1960s; consequently most are outdated and inefficient.

Ministry testing of 11 apartment incinerators in 1986 found that emissions of total hydrocarbons exceeded Environmental Protection Act standards in every case. Based on previous testing at municipal garbage incinerators, the ministry believes that dioxins and furans were present in these emissions. Combustion efficiency was also determined to be unacceptable.

"These incinerators are relics from an earlier, dirtier era. The smoke, soot and odors annoyed nearby residents, while the unnecessary toxic chemicals produced in their crude combustion chambers added to the burden on the environment," Mr. Bradley said.

The ministry has received an average of 50 complaints a year from Metro Toronto residents concerned about the operation of specific apartment incinerators.

In April, incinerators at two apartment buildings on Gamble Avenue in East York were shut down after building modifications were completed and a compacter was installed. These incinerators had been the object of smoke and odors complaints from nearby residents during the past several years.

.../3

-3-

Hundreds of other apartment owners have made similar changes during the 11-month transition period leading up to the June 1 ban.

Comments received by the ministry after a draft regulation was circulated to interested parties and the public in 1987 showed respondents favoring the ban by more than four to one.

It is estimated that apartment incinerators burned 122,000 tonnes of garbage a year, 1.5 per cent of the total annual volume of garbage in the province. Some 54,000 tonnes were from Metro Toronto, equal to six days of disposal at Metro's landfills.

Mr. Jim Bradley is calling on Ontario citizens to report any violations of the apartment incinerator ban to the nearest ministry office.

"I urge anyone with knowledge of the illegal operation of an apartment incinerator to contact the environment ministry so we can put a stop to it," Mr. Bradley said.

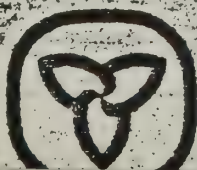
The ministry will enforce compliance with the ban by investigating citizen's complaints and conducting checks on historically problematic incinerators.

New York City, which is facing similar problems with incinerators, has been consulting with Ontario concerning ministry studies of apartment incinerators. New York City's environmental committee has proposed the banning of apartment incinerators by 1992.

REPORT ON
PUBLIC RESPONSE
PROPOSED APARTMENT
INCINERATOR REGULATION

ARB-063-88

JUNE 1988



Ministry
of the
Environment

Jim Bradley
Minister

2.0 BACKGROUND

The incineration of garbage in apartment building incinerators has, for many years, resulted in complaints from citizens about smoke, odour, flyash, soiling of property and concern about effects on human health. Investigations of these complaints and prosecutions for violations of the Environmental Protection Act (EPA) have contributed to the decommissioning of approximately 2,000 apartment incinerators over the past 18 years.

Nevertheless, under current provisions of the Environmental Protection Act apartment building incinerators may operate, provided that standards that limit the amount and type of contaminants emitted are met. Approximately 1,200 apartment buildings in the province are still using incinerators for the disposal of garbage; approximately 600 of them are located within Metropolitan Toronto, with the remainder distributed throughout the province. Local municipal bylaws, increasingly stringent environmental approval requirements and the advantages of compactors over incinerators have effectively precluded the installation of incinerators in new apartment buildings since 1969. Attempts to upgrade existing incinerators have generally failed to resolve operating and emission problems.

The public has continued to express concern over the use of apartment building incinerators. In May 1986, Pollution Probe recommended the closing of all apartment incinerators, and the Minister of the Environment received letters supporting this point of view. In July 1986, the Ministry of the Environment attempted to define the extent of the problem by testing eleven apartment building incinerators with a record of complaints about smoke and odour emissions. All of the incinerators tested were found to emit concentration of total hydrocarbons in excess of standards set in Regulation 308 of the EPA. Combustion temperatures were well below acceptable criteria values and combustion efficiencies were poor, averaging only 94 per cent. Incomplete combustion of garbage is known to produce toxic contaminants such as dioxins and furans.

The Ministry of the Environment considers the continued operation of sub-standard apartment building incinerators to be environmentally unacceptable

and has proposed a ban on their operation. Such a ban would improve air quality, particularly in densely populated urban centres such as Metropolitan Toronto, and would reduce potentially adverse health effects resulting from exposure to toxic compounds produced by the incomplete combustion of garbage. Finally, a specific regulation would establish clear and easily enforceable requirements regarding apartment incinerators, and thereby reduce enforcement and abatement costs borne by the taxpayers.

Approximately 1200 copies of the draft regulation and supporting documentation (Appendix A) were sent to landlord and tenant organizations, environmental groups, MPPs and municipalities throughout Ontario. Advertisements in English and French, identifying and describing the proposed apartment building incinerator regulation, inviting written comments and providing a contact within the Ministry of the Environment, were placed in 17 major Ontario daily newspapers on September 15, 1987. A 60 day period was provided for public response; however, responses were accepted after the deadline. Respondents who provided a return address were initially sent a letter indicating that the Ministry had received their submission and that they would be sent a copy of this report.

4.0 DISCUSSION

4.1 It is estimated that approximately 122,000 tonnes of garbage per year are currently being burned in apartment building incinerators in Ontario. This represents about 12% of all garbage from apartment buildings and 3% of the total domestic garbage. Within Metropolitan Toronto it is estimated that 54,000 tonnes of garbage per year are being burned in apartment building incinerators.

4.2 Municipal bylaws or agreements with developers/builders have allowed construction of very few incinerators in apartment buildings since 1968. Consequently most operating incinerators are of outdated design and have poor combustion efficiency, low combustion temperatures and no control over the combustion process. These incinerators have been the source of hundreds of complaints from neighbours about odours, smoke, flyash and soiling of property. Studies on incineration of municipal garbage (Refer to Appendix B) have indicated that incomplete and low temperature combustion of domestic garbage produces toxic chemicals, including dioxins and furans, which are released into the atmosphere. Both the public and municipalities, in their submissions, expressed concerns about potential health hazards related to exposure to the emissions from apartment incinerators.

Public dissatisfaction with existing apartment incinerators is evident in that respondents who supported the proposed ban outnumbered opponents by a margin of 4.5 to 1.

4.3 The burden on existing municipal landfill sites will increase as a result of the ban on apartment building incinerators. However, the additional garbage transferred to landfill sites will not significantly reduce the lifespan of existing sites, particularly since ashes from incinerators (representing about 25% by weight of garbage burned) are already being disposed of at landfill sites. Individual municipalities may have to evaluate their capability to collect the additional garbage.

- 4.4 A number of individuals and municipalities expressed interest in recycling as a way of reducing the burden on landfill sites. Several Ontario municipalities have already achieved a 10% reduction through curbside collection of newspapers, metal containers and glass, all as part of the *Bluebox* program.

It is recognized that recycling of domestic waste from apartment buildings has not yet been adequately addressed. Municipalities investigating recycling, especially in large urban centres containing many apartment buildings, should include these buildings in their recycling studies.

The ministry strongly supports recycling programs and provides grants to municipalities under funding programs for capital, operating and promotional costs of waste management systems.

The ultimate success of recycling as a means of waste reduction depends on education, awareness and commitment of both the general public and government officials to resource conservation and reduction of waste.

- 4.5 The proposed regulation on apartment incinerators is part of the Ministry of the Environment's broad based program for improving air quality in Ontario, and the current proposed regulation is consistent with the overall program. The ministry is proposing action against an emission source which has resulted in hundreds of complaints and has taxed the capability of the ministry to deal with them; remedies available under existing legislation have been found to be inadequate to effectively resolve the problem.

The ministry has taken action against both major and minor sources of air emissions in Ontario; for example, the Countdown Acid Rain program requires large SO₂ emission reductions from Inco, Algoma Steel, Falconbridge Ltd. and Ontario Hydro.

As a result of the 1986 Report of the Interministry Task Force on Biomedical Waste, stack testing of hospital incinerators has been undertaken. Hospitals are currently upgrading or replacing deficient incinerators pending the establishment of regionally centralized bio-medical waste disposal facilities.

In addition, hospital incinerators throughout the province have been required to submit, since 1985, an annual report summarizing the source, nature and quantity of waste incinerated and a professional assessment of the extent of compliance with Regulation 308 of the Environmental Protection Act for the operation of each hospital incinerator.

A comprehensive evaluation of performance of school and other incinerators throughout the province has not yet been undertaken. In view of the fact that some specific complaints have been received, school and other incinerators should also be incorporated into the ministry's overall review of waste management practices in the province.

4.6 When apartment building incinerators are removed from service, alternative garbage handling facilities are generally limited to either:

- installation of a garbage compactor and collection of compacted garbage
- or
- installation of a bulk storage bin (indoor or outdoor) and collection of uncompacted garbage.

Installation of a garbage compactor can involve significant expenses for a landlord, including:

- the capital and installation cost of the equipment
- cost of structural changes to the building and/or cost of relocating existing equipment (boilers, water heaters, piping) to make room for the compactor

- loss of rental income if an existing rental unit must be used to provide space for a compactor.

Bulk storage and collection of uncompacted garbage can increase operating costs for landlords. In cases when municipalities will not collect uncompacted garbage, the landlord must use the services of a private contractor to remove garbage from the site. In addition, there is the possibility of loss of rental income if outdoor storage of garbage is impossible and if an existing rental unit must be converted to garbage storage rooms.

It should also be noted, however, that the shutdown of an incinerator could bring a reduction in operating costs because of elimination of fuel for the ignition burner and afterburner of an incinerator.

- 4.7 Because of the different circumstances affecting each apartment building, a decision on how to handle the garbage from any building can only be made by the building owner after conducting a feasibility study of the options available and economic assessment of each.

In most cases, apartment incinerators will probably be replaced by bulk storage containers. These bins will often be located outdoors because of space and access limitations within the buildings and tenants will be required to carry their garbage to the containers.

A new system of garbage disposal will require a period of adjustment for both tenants and building managers. Tenants will have to take care in packing and carrying garbage bags to prevent rupturing and subsequent soiling of passageways; these are however, only normal precautions any homeowner must take in setting out garbage for curbside collection. Building superintendents will have to spend time previously spent attending the incinerator, to cleanup and wash down the areas around bulk containers to maintain acceptable sanitary conditions.

There are issues that need to be resolved, related to the handling of garbage by elderly, physically handicapped or infirm tenants; such cases will have to be individually resolved between tenant and building superintendent.

Approximately 2000 incinerators have been shutdown in apartment buildings during the past 18 years. In many cases bulk outdoor storage bins are being used to handle garbage from the buildings; landlords, tenants and others have adjusted to this system.

- 4.8 The ministry recognizes the issues related to the distribution of costs resulting from conversion from garbage incineration to alternative systems of disposal. The ministry has initiated discussions with the Ministry of Housing to clarify how existing legislation affects the conversion of existing rental units to another use (i.e. garbage handling/storage) in order to comply with the proposed regulation, and to clarify which costs associated with the conversion could be passed through to apartment tenants as rent increases.

Also, the ministry will, through its regional offices, assist owners/managers of apartment buildings in resolving difficult conversion problems with municipalities in order to arrive at practical and cost effective solutions.

- 4.9 The ministry does not advocate granting of provincial subsidies to help finance the conversions to alternate systems of garbage disposal in apartment buildings.
- 4.10 The ministry recognizes concerns about meeting the proposed deadline, as expressed by landlords considering installation of garbage compactors. Therefore, the deadline has been changed from December 31, 1988 to May 31, 1989.

FACTS



Ministry
of the
Environment

Hon. Jim Bradley
Minister

Rod McLeod
Deputy Minister

PROPOSED REGULATION WOULD BAN APARTMENT BUILDING INCINERATORS

The Ministry of the Environment has proposed a regulation which would ban the burning of garbage in existing apartment building incinerators as of December 31, 1988.

Garbage incineration in apartment buildings has resulted in many public complaints over the years about smoke, odor, flyash, soiled property and health concerns. Investigations of these complaints and prosecutions for violations of the Environmental Protection Act have contributed to the shutting down of about 2,000 apartment incinerators over the past 18 years.

Approximately 1,200 apartment buildings in Ontario still have incinerators that are used to dispose of garbage. About half of these are located in Metropolitan Toronto.

Tests of 11 apartment incinerators conducted by the Ministry of the Environment during 1986 showed all emitted total hydrocarbons (THC) in concentrations exceeding the allowable standard. Their combustion efficiencies also were poor, averaging 94 per cent. Incomplete combustion of garbage is known to produce a range of toxic chemicals including dioxins and furans.

The ban on using apartment building incinerators means owners/operators would have to make alternative arrangements for the storage of garbage on-site and for its disposal, either through their local municipality or a private contractor.

It is estimated that in about 80 per cent of the conversions (960 buildings), incinerators would be replaced by bulk storage facilities. The remainder likely would be converted to compactors. In some cases, buildings may require structural changes.

The ministry believes this ban on incinerators is necessary to remove these sources of continuing nuisance and complaint. This ban will improve ambient air quality and reduce potentially adverse health effects.

Turkstra, Mazza Associates

Lawyers

Herman Turkstra Paul Douglas Mazza Murray Mazza
Michael Nash Stephen Garrod Manfred Rudolph
Joy Grahek John Cleworth Lawrence Seng-Tat Wong
Marcia Valiante Peter Pickfield Paul Settimi
James Richards

Counsel: David Melnik

15 Bold Street
Hamilton, Ontario Canada
L8P 1T3

(416)529-3476 (LAW-FIRM)

Fax: (416) 527-2294

September 18, 1989

(Dictated but not read)

SEP 20 1989

The Corporation of the
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Planning & Development Committee

Dear Sirs:

Re: Garbage and Refuse Chutes
Our file 40103

I was at your meeting of September 13, 1989.

I represented Dominion Management. They manage several apartment buildings in the City of Hamilton.

I sensed an unalterable political will to amend your property standards by-law. Perhaps that is an understatement.

I will not waste your time with a written summary of our position that legislation concerning garbage chutes is unnecessary, discriminatory, perhaps ineffective and made without jurisdiction.

When the quorum assembles to pass the recommendation for resolution for Council's consideration, please consider refining the resolution or recommendation to take account of the following.

I sensed that it was your obvious intention to deal with rental apartment buildings and your amendment should be refined to reflect that fact to avoid any confusion in the future. In addition, I sense that your intention was to force landlords to comply with what the tenants wanted done in their buildings. If that is the case, you should take into account the possibility that opening the chutes is not something that the tenants in all buildings will want and add a rider to your amendment indicating that the chutes and rooms will be kept in

-2-

use and maintained in operation at all times unless the tenants agree otherwise.

Thank you very much for your consideration.

Yours very truly,

Manfred Rudolph

Manfred Rudolph

MR:su

cc--Ms. L. Lawrence
City Solicitor's Office

CA4 ON HBL AOS
CSIP4
1989

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



MS. C. DEITER
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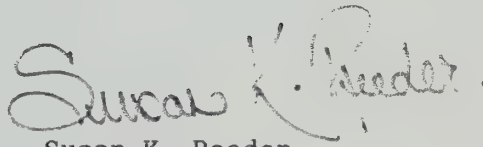
OFFICE OF THE CITY CLERK

1989 September 21st

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 September 27th
1:30 o'clock p.m.
Room 233, City Hall

URBAN MUNICIPAL
SEP 29 1989
GOVERNMENT DOCUMENTS


Susan K. Reeder
Secretary

SKR:dbm

ZONING APPLICATIONS WILL BE HEARD IN THE COUNCIL CHAMBERS.

A G E N D A

1. Minutes of the meeting held Wednesday, 1989 August 16th.

BUILDING COMMISSIONER

2. Demolition Permit Applications.
3. Amendment to By-law 80-245 regarding roof leaders into storm sewers.

CASH-IN-LIEU OF PARKING COMMITTEE

4. Fennell Square Plaza - 1007 Fennell Avenue East.

DIRECTOR OF COMMUNITY DEVELOPMENT

5. Central/Beasley Neighbourhoods - Application for P.R.I.D.E. funding - 1990-1993.
6. Community Improvement Plan, Commercial Improvement and Commercial Facade Loan Programmes:
 - (a) Locke Place.
 - (b) Main Street West.
7. Second Level Lodging Home Programme Loan Application - 178 John Street North.

MANAGER OF PURCHASING

8. Refuse containers - Phase IV, Downtown Hamilton Action Plan. (copy to follow)

COMMISSIONER OF ENGINEERING

9. Cash Payment in Lieu of 5% Parkland Dedication - "Lillian Heights - Phase 2".

TRANSPORT AND ENVIRONMENT COMMITTEE

10. South leg of King Street. (copy to follow)

DIRECTOR OF LOCAL PLANNING

11. Draft Plan of Condominium SA-89-10, F. Ferrone, owner, for property on the north side of Bigwin Road and west of Pritchard Road; North Hannon Neighbourhood.
12. Proposed renaming of that part of Cannon Street West between Bay Street North and Queen Street North (D.6.2/415).
13. Subdivision Application SA-88-21 "Effort Gardens".
14. Site Plan Control Application 89-67, McClure Community Homes Inc., owner of 1884 Main Street West; Ainslie Wood West Neighbourhood.

COUNCIL CHAMBERS

ZONING APPLICATIONS

3:00 o'clock p.m.

15. Subdivision Application 89-06 and Zoning Application 89-32, 642388 Ontario Inc. (L. and S. Harbottle) owners, for a change in zoning from "AA" to "C" for land in the area west of Chesley Street and north of Stone Church Road West; Gourley Neighbourhood.
16. Zoning Application 89-29, Canadian National Institute for the Blind, Lessee, for a modification to the "A" District regulations for a strip of land east and adjacent to 1686 Main Street West; Ainslie Wood North.
17. Zoning Application 89-41, Landawn Shopping Centres, owner, for a modification to the "G" District regulations for property municipally known as 905 Rymal Road East; Templemead Neighbourhood.

3:15 o'clock p.m.

18. Zoning Application 89-44, M. Mouskos and E. Kountouris, owners, for a change in zoning from "AA" to "HH" and "R-4" for property at 2846 King Street East; Gershome Neighbourhood.
19. Zoning Application 89-50, M.C. Carter, owner, for a change in zoning from "J" modified to "H" for property at 139 Cannon Street East; Beasley Neighbourhood.

3:30 o'clock p.m.

20. Zoning Application 89-53, Boyago Realty Limited, prospective owner, for a change in zoning from "AA" to "G-4" for property at 549 Stone Church Road East; Rushdale Neighbourhood.
21. Zoning Application 89-67, De Santis Group Inc., prospective owner, for a modification to the "I" District regulations for property municipally known as 18 Main Street East; Corktown Neighbourhood.
22. Other Business.
23. Adjournment.

Wednesday, 1989 August 16
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman H. Merling
Alderman B. Hinkley
Alderman D. Christopherson
Alderman W. McCulloch

Regrets: Alderman M. Kiss - Bereavement
Alderman D. Ross - Vacation

Also present: Alderman D. Agostino
Alderman T. Cooke
Alderman D. Drury
Mr. V. Abraham, Director of Local Planning
Mr. B. Allick, Building Department
Mr. A. Harvey, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. M. Watson, Manager, Real Estate Division
Ms. J. McNeilly, Community Development Department
Mr. D. Pickard, Building Department
Mr. J. Ross, Community Development Department
Mr. P. Mallard, Planning Department
Mr. J. Lakatos, Planning Department
Mr. W. Wong, Building Department
Mr. R. Karl, Traffic Department
Mr. K. Brenner, Regional Engineering Department
Mrs. C. Floroff, Planning Department
Mr. N. Catalano, Economic Development Department
Ms. L. Lawrence, City Solicitor's Office
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday, 1989 June 14 and agreed to APPROVE these minutes.

The Committee was in receipt of a report from the Deputy Building Commissioner dated 1989 August 10, respecting Demolition Permit Applications.

The Committee APPROVED the following:

That the Building Commissioner BE AUTHORIZED to issue demolition permits for the following properties:

- (a) 1317 Upper James Street
- (b) 260 Victoria Avenue North
- (c) 262 Victoria Avenue North
- (d) 9 Limeridge Road West
- (e) 114 Graham Avenue North
- (f) 27 Delena Avenue South

The Committee was in receipt of a report from the Building Commissioner dated 1989 July 13, respecting property at 122 Harmony Avenue.

The Committee APPROVED the following:

- (a) That the Building Commissioner BE DIRECTED to enforce an Order dated 1989 May 19, requiring the demolition of the unsafe single family dwelling at 122 Harmony Avenue.
- (b) That the City Solicitor BE AUTHORIZED to prepare a By-law for the demolition of this property.

Minutes - 1989
June 14.

Demolition Permit
Applications.

Unsafe single family
dwelling - 122
Harmony Avenue.

NOTE: The cost of the demolition, together with administration costs of both the Real Estate Department and the Building Department will be added to the tax roll, to be collected in a like manner as municipal taxes.

The subject building is a one storey frame dwelling with a stucco finish. The main portion of the building had a concrete block foundation wall. The south foundation wall has been pushed in for an approximate length of 11' near the west corner. The wood frame porch is in a progressive state of collapse.

The hydro and heating systems have been disconnected.

The owner of this property is now deceased, the property is in tax arrears, a tax arrears certificate has been issued, and the one year redemption period expired on 1988 August 5.

Appointment of
Inspectors under
the Building Code
Act.

The Committee was in receipt of a report from the Building Commissioner dated 1989 August 10, respecting the Appointment of Inspectors under the Building Code Act.

The Committee APPROVED the following:

That the City Solicitor BE AUTHORIZED to amend By-law 87-312 as follows:

- (a) That Section 2(a) be amended by ADDING the name:
Peter Lampman, P. Eng.
- (b) That Section 3 be amended by DELETING therefrom the numeral "6" in the second line, and substituting therefor the numeral "2".
- (c) That Section 6(a) be amended by DELETING the name:
Peter Lampman, P. Eng.
- (d) That Section 7(a) be amended by DELETING the name:
John Spolnik
- (e) That Section 7(a) be further amended by ADDING the name:
Bryan Moon
- (f) That Section 9(a) be amended by ADDING the name:
John Spolnik
- (g) That Section 9(a) be further amended by DELETING the name:
Bryan Moon

NOTE: Due to recent changes in the staff of the Building Department, By-law 87-312 respecting the Appointment of Inspectors needs to be amended to accommodate these changes.

Lot Grading in
Established Areas.

The Committee was in receipt of a report from the Building Commissioner dated 1989 July 19, respecting Lot Grading in Established Areas.

Alderman Christopherson expressed some disappointment in this report as he feels there is a need for jurisdiction over Lot Grading in Established Neighbourhoods. Alderman Christopherson outlined the many problems that his constituents face because of this lack of control.

Following some discussion on this matter by the Committee, the following recommendation was APPROVED:

- (a) That the report of the Building Commissioner dated 1989 July 19 **BE TABLED** and no action be taken on this report;
- (b) That the Building Commissioner **BE DIRECTED** to contact other municipalities who have been able to control grading in established neighbourhoods to determine how they have implemented such controls; and,
- (c) That the Building Commissioner report back to the Committee on the findings.

It was also suggested at the meeting that the Building Commissioner liaison with Aldermen on the Committee on the findings from other municipalities in order to determine the possible direction that the City of Hamilton would be prepared to go to obtain jurisdiction in lot grading in established neighbourhoods.

The Committee was in receipt of a report from the Director of Community Development dated 1989 July 10, respecting a Designated Property Grant for property at 256-258 MacNab Street North.

The Committee **APPROVED** the following:

That a Designated Property Grant in the amount of \$250. **BE APPROVED** to Helen Kirkpatrick and Thomas Baker, 256-258 MacNab Street North, Hamilton.

The Committee was in receipt of a report from the Director of Community Development dated 1989 August 9, respecting the City of Hamilton Heritage Programme for a Community Heritage Trust Fund Loan for property at 151 St. Clair Avenue.

The Committee then **APPROVED** the following:

That a Community Heritage Trust Fund Loan in the amount of one thousand, one hundred and ninety-six dollars (\$1,196.) and a Designated Property grant in the amount of one thousand, one hundred and ninety-six dollars (\$1,196.) **BE APPROVED** for 151 St. Clair Avenue, L. Baatz.

NOTE: The interest rate on the loan will be 6 percent, amortized over 10 years.

The Committee was in receipt of a report from the Director of Community Development dated 1989 August 9, respecting the City of Hamilton Heritage Programme and a Community Heritage Trust Fund Loan for property at 233 and 235 Locke Street North.

The Committee **APPROVED** the following:

That a Community Heritage Trust Fund Loan in the amount of three thousand, eight hundred and seventy-five dollars (\$3,875.) and a Designated Property grant in the amount of six thousand dollars (\$6,000.) **BE APPROVED** for 233 and 235 Locke Street North, C. Kopriva.

NOTE: The interest rate on the loan will be 6 percent, amortized over 10 years.

The Committee was in receipt of a report from the Director of Community Development dated 1989 July 11, respecting 1988 Annual Audited Statements for the Kirkendall-Strathcona Neighbourhood Improvement Programme/Kirkendall-Strathcona Neighbourhood House (Wesley Urban Ministry).

The Committee **APPROVED** the following:

That, the Audited Financial Statement and Annual Report for the Kirkendall-Strathcona Neighbourhood House attached herewith and marked Appendix "A", **BE APPROVED**.

Designated Property
Grant - 256-258
MacNab Street North.

City of Hamilton
Heritage Programme -
Community Heritage
Trust Fund Loan -
151 St. Clair Ave.

City of Hamilton
Heritage Programme
Community Heritage
Trust Fund Loan -
233 and 235 Locke St.
North.

1988 Annual Audited
Statements -
Kirkendall-Strath-
cona Neighbourhood
Improvement Programme
(Wesley Urban
Ministries)

NOTE: Wesley Urban Ministry submits Annual Statements for the Wesley Centre and the subject neighbourhood house inclusive. The City of Hamilton has a "requirements for mortgage/agreement" with the Ministry for the Neighbourhood House only. The Agreement stipulates that the Audited Financial Statements and Annual Report for each year must be submitted to the City of Hamilton for approval.

Mayor Morrow requested an up-date from the representative of the Community Development Department with respect to discussions which are to be held with the staff at Kirkendall Neighbourhood House to determine the changes necessary in the contractual services arranged between the City and Kirkendall to meet the changed needs of the Community.

It was indicated by Ms. McNeilly of the Community Development Department, that she would be pursuing this matter with the staff of the Kirkendall Neighbourhood House.

1988 Audited
Statements and
Annual Report -
St. Matthews House,
Landsdale Neigh-
bourhood Improve-
ment Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1989 July 11, respecting the 1988 Audited Statements and Annual Report for St. Matthew's House - Landsdale Neighbourhood Improvement Programme.

The Committee **APPROVED** the following:

That, the Audited Financial Statements and Annual Reports for 1989 for St. Matthew's House attached herewith and marked Appendix "B", **BE APPROVED**.

NOTE: On 1980, October 20 an Agreement was signed by the Synod of the Diocese of Niagara with the Corporation of the City of Hamilton setting out the terms and conditions of the mortgage of \$240,911. granted for the renovation of St. Matthew's House.

The Agreement stipulates that a per diem rate is earned by the mortgagor until 1989 so long as the other terms and conditions are met. These conditions include the submission of an Annual Report and Audited Financial Statements to the City of Hamilton.

Rental of Property
- 354 and 356
Birch Avenue.

The Committee was in receipt of a report from the Director of Property dated 1989 July 28, respecting the rental of property at 354 and 356 Birch Avenue to Philip Enterprises Inc.

The Committee **APPROVED** the following:

- (a) That the vacant lots at 354 and 356 Birch Avenue, containing approximately 5,581 square feet, **BE RENTED** to Philip Enterprises Inc. for parking purposes on a monthly basis commencing 1989 September 1, at a rental rate of \$125. per month, plus taxes estimated at \$900. for 1989.
- (b) That the City Solicitor **BE AUTHORIZED** to prepare the necessary lease.
- (c) That the Mayor and City Clerk **BE AUTHORIZED** to execute the lease agreement.

NOTE: Rental Revenue to be credited to Account #CF5590 308 750001.

The above mentioned properties have been purchased by the City of Hamilton in connection with the acquisition of land in the Alpha Enclave (West) Plan I. The lands are to be rented on a monthly basis for employee parking until the assembly of lands in the area are completed.

The Committee was in receipt of a report from the Director of Property dated 1989 July 11, respecting the Re-purchase of Lot 18, Plan M-227, Hamilton Industrial Park #1, (140 Nebo Road).

Re-purchase of
Lot 18, Plan M-227,
Hamilton Industrial
Park #1 (140 Nebo
Road.)

The Committee APPROVED the following:

That an Option to Purchase the lands of Fin-Par Enterprises Inc., Lot 18, Plan M-227, Hamilton Industrial Park No. 1, located at 140 Nebo Road, duly executed on 1989 July 7 by the Vendor, Fin-Par Enterprises Inc. and scheduled for closing on 1989 October 26, BE APPROVED AND COMPLETED.

NOTE: The purchase price is \$85,627.80. The property is composed of a parcel of land located on the western limit of Nebo Road, having a frontage of 200.23 feet by a depth of 433.31 feet/441.89 feet and containing an area of 2.0146 acres.

The acquisition cost is to be charged to Account #RF 45001 25202.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 July 13, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Stoneridge Estates".

Cash payment in lieu
of 5% Parkland
Dedication -
"Stoneridge Estates".

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$20,300. as cash payment in lieu of 5% dedication in connection with "Stoneridge Estates", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Upper Wentworth Street and south of Stone Church Road in the Butler Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 July 31, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Bar-Brock Estates - Phases One and Two".

"Bar-Brock Estates -
Phases One and Two".

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$22,740. as cash payment in lieu of 5% dedication in connection with "Bar-Brock Estates - Phases One and Two", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Eleanor Avenue and north of Rymal Road in the Eleanor Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 July 31, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Wisemount Forest Survey - Phase 5".

"Wisemount Forest
Survey - Phase 5".

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$16,500. as cash payment in lieu of 5% dedication in connection with "Wisemount Forest Survey - Phase 5", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Upper Ottawa Street and south of Landron Avenue in the Lisgar Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 July 31, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Silverton Avenue Subdivision".

"Silverton Avenue
Subdivision".

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$7,500. as cash payment in lieu of 5% dedication in connection with "Silverton Avenue Subdivision", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located west of Upper Ottawa Street and south of Silverton Avenue in the Templemead Neighbourhood, Hamilton.

"Bartonville Court"

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 July 31, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Bartonville Court".

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$11,680. as cash payment in lieu of 5% dedication in connection with "Bartonville Court", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands located east of Kenilworth Avenue and north of King Street East in the Bartonville Neighbourhood, Hamilton.

Status of the
Parklands
Acquisition Fund.

Alderman Hinkley requested information on the status of the Parklands Acquisition Fund and it was indicated to him by Mr. Brenner of the Department of Engineering, that a status report on this matter will be presented to a September meeting of the Parks and Recreation Committee for that Committee's Information.

Demolition
Application -
65 Markland Street.

The Committee was in receipt of a report from the Deputy Building Commissioner dated 1989 August 10, respecting a Demolition Permit Application for property at 65 Markland Street.

Demolition Control
By-law -
65 Markland Street.

The Committee was also in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 9, respecting Demolition Control By-law for property at 65 Markland Street.

Designation -
65 Markland Street.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the Designation of 65 Markland Street.

The Committee was in receipt of a letter of submission from Mr. Russell Elman, Acting President of the Durand Neighbourhood Association Inc., respecting the property at 65 Markland Street.

The Committee was in receipt of a letter of submission from Mr. Robert G. Forsythe, Forsythe Lubrication Associates Limited, 120 Chatham Street, respecting the property at 65 Markland Street.

Mr. Manford Rudolph, Solicitor for the owner of the property at 65 Markland Street, spoke to the Committee and advised that his client is aware of L.A.C.A.C.'s interest in preserving the building at 65 Markland Street and intends to be present at the next L.A.C.A.C. meeting to work with them on this particular issue. Mr. Rudolph requested, on behalf of his client, that the Committee and Council proceed with the process of designating this building.

Alderman McCulloch expressed concerns that the realtors are advertising the building lot on this property illegally. Mr. Rudolph acknowledged the Alderman's concerns.

The Committee then APPROVED the following:

- (a) That APPROVAL be given to the "Intent to Designate" 65 Markland Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked Appendix "C"; and

- (b) That the City Solicitor BE AUTHORIZED and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the Designation of 105 Aberdeen Avenue.

Designation - 105
Aberdeen Avenue.

The Committee APPROVED the following:

- (a) That APPROVAL be given to the "Intent to Designate" 105 Aberdeen Avenue as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked Appendix "D"; and
- (b) That the City Solicitor BE AUTHORIZED and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the Designation of 112 Aberdeen Avenue.

Designation - 112
Aberdeen Avenue.

The Committee APPROVED the following:

- (a) That APPROVAL be given to the "Intent to Designate" 112 Aberdeen Avenue as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked Appendix "E"; and,
- (b) That The City Solicitor BE AUTHORIZED and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the Designation of 260 MacNab Street North.

Designation - 260
MacNab Street North.

The Committee APPROVED the following:

- (a) That APPROVAL be given to the "Intent to Designate" 260 MacNab Street North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked Appendix "F"; and,
- (b) That The City Solicitor BE AUTHORIZED and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the Designation of Tivoli Theatre at 108-112 James Street North.

Designation - Tivoli
Theatre, 108-112
James Street North.

The Committee was also in receipt of a letter from Morton M. Smith, Q.C. on behalf of the owners of the property at 108-112 James Street North.

Mr. Smith spoke to the Committee and further to his letter requested that this matter be tabled since his clients have only recently purchased this premise and would like to have an opportunity to discuss this matter further with L.A.C.A.C.'s staff.

The Committee then agreed to TABLE the above-noted matter.

Designation -
Cathedral Boys
High School.

Alderman Hinkley requested a Status on the Designation Process for Cathedral Boys High School. Ms. Ann Gillespie of the L.A.C.A.C.'s staff advised the Committee that this matter is at the research stage.

Proposed new
sign for commercial
property at 712
Main Street East,
St. Clair Heritage
District.

The Committee was in receipt of an Added Item from the Secretary of the Local Architectural Conservation Advisory Committee respecting a Proposed New Sign for Commercial Property at 712 Main Street East, in the St. Clair Heritage District.

Ms. Marie Kachmarsky, new owner of the property was in attendance at the meeting, and spoke to this matter. She also showed an artist's concept of the proposed sign.

The Committee then APPROVED the following:

- (a) That APPROVAL be given for a proposed business sign for Jag Realty Inc., to be erected by the new owner of the commercial property at 712 Main Street East, in the St. Clair Heritage District; and,
- (b) That the sign not exceed 6' x 4' in dimensions.

Standardizing
Heritage Signage.

The Committee further recommended the following:

That the Local Architectural Conservation Advisory Committee BE REQUESTED to discuss Standardizing Heritage Signage for Use on Heritage Buildings and within Heritage Districts.

Shalom Village.

The Committee was advised that Item 15 on their Agenda respecting Shalom Village has been WITHDRAWN.

City-owned lands -
Stoney Creek
Ravine.

The Committee was in receipt of a letter from the Director of Local Planning to Alderman D. Agostino, respecting City Owned Lands - Stoney Creek Ravine.

The Committee APPROVED the following:

That the Planning and Development Committee BE DIRECTED to undertake a City Initiative to Review the Feasibility of Re-zoning the City Owned Lands in the Stoney Creek Ravine from "KK" District to "A" District.

Park Benches on
King Street.

The Committee was in receipt of a memorandum from Alderman T. Cooke to the Secretary of the Committee dated 1989 July 18, respecting Park Benches on King Street. Ms. J. McNeilly spoke on the background to this issue and Mr. Wolfgang Ziegler was in attendance and spoke in favour of having benches re-installed. Alderman Cooke distributed packages of newspaper articles on this particular issue.

Mr. Harris, member of the Beautification Committee for the Downtown B.I.A., spoke and indicated that the group has analysed the use of these benches for one month and conclude that users of benches were those classified as "undesirable". He added that buses are on time and regular and that there is no need for benches. Alderman Cooke then summed up the presentation.

The Committee then discussed this matter and APPROVED the following recommendation:

That park benches BE ALLOWED on the north branch of King Street East, between Hughson and John Streets, particularly at the eastern end of the block, but extending the full block.

Committee of Adjust-
ment decisions re:
Cash in lieu
of Parking Policy.

The Committee was in receipt of an Information Report from the Co-Ordinator of the Committee of Adjustment dated 1989 August 1, respecting Committee of Adjustment decisions and Cash In Lieu of Parking.

Cash-in-lieu-of-
Parking - 849
Upper Wentworth St.

The Committee agreed to LIFT FROM THE TABLE the Cash In Lieu matter on property at 849 Upper Wentworth Street.

Alderman Merling spoke to this matter and advised the Committee that Mr. Delahunty, a Toronto developer was very rude to staff (Planning, Aldermen's office, Economic Development) and accused staff of stalling and asked a Regional Official who to pay to get a Building Permit.

Mr. Scott Henderson, lawyer for the Doctors who own the property at Upper Wentworth Street, indicated that they wish to disassociate their selves from the remarks made by Mr. Delahunty as they do not in any way reflect their views.

Mr. Dyason, partner with Mr. Delahunty, was in attendance at the meeting and he indicated that his partner spoke in frustration and apologized on behalf of his partner to the staff for Mr. Delahunty's actions and indicated that the statements and allegations made by Mr. Delahunty are totally false.

Alderman Merling demanded that a written apology be sent by Mr. Delahunty to the members of the Planning staff, the Aldermen's office staff and Mr. Catalano, Economic Development Department.

The Committee then discussed the matter of the Cash In Lieu at the property at 849 Upper Wentworth Street. The Director of Local Planning addressed the Committee and presented an alternative that the Committee could consider on meeting the shortfall of 30 parking spaces.

Mr. Roland Karl of the Traffic Department also spoke on the Cash In Lieu of Parking Policy.

The Committee then voted on the following motion:

That the following recommendation to resolve the shortfall of 30 parking spaces in the development of a medical office at 849 Upper Wentworth Street, NOT BE APPROVED;

- (a) That in accordance with the Cash-in-lieu of Parking Policy, the owner of the property at 849 Upper Wentworth Street, be required to pay the City of Hamilton the sum of \$90,000. (which is based on 2/3rd of the total shortfall at \$4,500. per parking spot) for providing 20 parking spots; and,
- (b) That the Planning and Development Committee will not oppose the applicants request to the Committee of Adjustment for a minor zoning variance to accommodate the balance of the shortfall of 10 parking spots; and
- (c) That the City Solicitor be directed to implement the Cash-in-lieu of Parking Policy, and that the said Agreement be entered into upon finalization of Site Plan Control Application DA-89-24.

NOTE: THE ABOVE-NOTED RECOMMENDATION LOST ON A TIE VOTE AT THE PLANNING AND DEVELOPMENT COMMITTEE, AND IN ACCORDANCE WITH CITY POLICY IS BEING FORWARDED TO CITY COUNCIL.

A SPECIAL MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE HAS BEEN SET FOR 5:30 O'CLOCK P.M. ON TUESDAY, 1989 AUGUST 29TH IN ORDER TO COMPLETE THE UNFINISHED AGENDA MATERIAL, AS WELL AS TO RECEIVE INFORMATION REPORTS FROM STAFF, AND THE DEVELOPERS WITH RESPECT TO THE APPLICATION OF THE CASH-IN-LIEU OF PARKING POLICY FOR THE PROPERTY LOCATED AT 849 UPPER WENTWORTH STREET.

The Committee further discussed this matter and Mr. Henderson, lawyer for the Doctors who own the property at Upper Wentworth Street, expressed frustration and anger that he was not allowed to speak. He was then allowed to make his presentation.

Following discussion on this matter by the Committee, it was AGREED that a special meeting of the Planning and Development Committee would be called prior to the next meeting of Hamilton City Council to take place on Tuesday, 1989 August 29, in order to receive information in writing on this matter and to allow the opportunity for further discussion. It was AGREED that this matter would not be reopened for decision.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 21, respecting Site Plan Control Application DA 89-58, for property at 836 Upper Wentworth Street.

The Committee APPROVED the following:

That Section 13 of the Fourteenth Report for 1989 of the Planning and Development Committee to City Council, approved on 1989 May 30th, in regards to Zoning Application 89-20 by Barbara Pinto, M.D., owner of lands at 836 Upper Wentworth Street, BE AMENDED to include the following:

- (a) That notwithstanding Section 18A.(11)(a) & 12(a) the required 1.5m wide landscape strip along the north and south lot lines adjacent to the parking and maneuvering area will not be provided.
- (b) That notwithstanding Section 18A.(12)(c) the required 1.2m to 2.0m high visual barrier fence along the north and south lot line adjacent to the parking and maneuvering area will not be provided.
- (c) That notwithstanding Section 18(4)(iv) the accessory building shall be permitted in the required side yard.

NOTE: The amendments are necessary to delete the required 1.5m wide landscape strip on-site in order to provide the required number of parking spaces within the existing lot width.

The Committee then moved to the City Council Chambers to hear Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 31, respecting Zoning Application 89-35, for property at 173 Stone Church Road West.

A lawyer for the applicant was in attendance at the meeting.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-35, Carmelo Chiarelli, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at 173 Stone Church Road West, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Site Plan Control
Application DA 89-
58 - 836 Upper
Wentworth Street.

Zoning Applications.

ZA 89-35 - 173
Stone Church Road
West.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at 173 Stone Church Road West.

The effect of the By-law is to create a building lot for a single-family detached dwelling, fronting onto Stone Church Road West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 27, respecting Zoning Application 89-43, for property at 1423 Upper Gage Avenue.

ZA 89-43 - 1423
Upper Gage Avenue.

The Committee **APPROVED** the following:

That **APPROVAL** be given to Zoning Application 89-43, Runad Homes Limited, prospective owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District, for property located at 1423 Upper Gage Avenue, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49C for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (d) That the Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Attached Housing".

NOTE: The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District for lands located at 1423 Upper Gage Avenue.

The effect of the By-law is to permit development of the subject property for six (6) street townhouse dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 8, respecting Zoning Application 89-49, for property at 16-20 Wellington Street North and 15-27 West Avenue North.

ZA 89-49 - 16-20
Wellington Street
North and 15-27
West Avenue North.

Report of the circularization was given as follows:

525 notices sent 22 in favour 2 opposed

Mr. Abbott, 22 Wellington Street North, spoke to the Committee. He expressed concerns about Block 3 of the development regarding the height which he indicated will affect his light exposure. He also indicated that he is concerned about access to alleyways for emergency purposes and also expressed concerns at closed off parking areas. He added that he is concerned at the effects of construction during the developing, i.e. noise and vibration.

Mr. Paul Mallard of the Planning Department spoke to the Committee on Mr. Abbott's concerns.

Mr. Martin Lewis, solicitor for the applicant spoke to Mr. Abbott's concerns.

The Committee then **APPROVED** the following:

- (a) That APPROVAL be given to Zoning Application 89-49, Trillium Funeral Services Corporation, owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G-3" (Public Parking Lots) District, modified for Block "1", and a modification to the "H" (Community Shopping and Commercial, etc.) District for Blocks "2" and "3" for property located at 16-20 Wellington Street North and 15-27 West Avenue North, as shown on the attached map marked as Appendix "I", on the following basis:
- (i) That Block "1" be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G-3" (Public Parking Lots) District;
 - (ii) That the "G-3" (Public Parking Lots) District provisions as contained in Section 13C of Zoning By-law No. 6593 applicable to the lands shown as Block "1", be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 13C, a three (3) car garage to be used in conjunction with a funeral home on Block "3" shall be permitted;
 - (2.) That notwithstanding Subsection 13C(3)(i) a minimum 3.0m (10 foot) landscaped area, and a visual barrier not less than 1.2m in height and not greater than 2.0m in height within the landscaped area, shall be provided and maintained along the easterly lot line adjoining West Avenue North;
 - (iii) That the "H" (Community Shopping and Commercial, etc.) District provisions as contained in Section 14 of Zoning By-law No. 6593 applicable to the lands shown as Block "2", be modified to provide for the following variance as a special requirement:
 - (1.) That a minimum 3.0m (10 foot) wide landscaped area, and a visual barrier not less than 1.2m in height and not greater than 2.0m in height within the landscaped area, except for any access driveway, shall be provided and maintained along the easterly lot line adjoining West Avenue North;
 - (iv) That the "H" (Community Shopping and Commercial, etc.) District provisions as contained in Section 14 of Zoning By-law No. 6593 applicable to the lands shown as Block "3", be modified to provide for the following variances as special requirements:
 - (1.) That notwithstanding Subsection 14.(1) a funeral home shall be permitted;
 - (2.) That notwithstanding Subsection 14.(3)(i) a minimum front yard depth of 1.7m (5.5 feet) shall be provided and maintained;
 - (3.) That notwithstanding Subsection 14.(3)(i), as amended by (2.) above, a sign shall be permitted in the required front yard;
 - (4.) That notwithstanding 14.(3)(iii)(c) shall not apply;
 - (5.) That notwithstanding Subsection 18A.(9) the required parking space, loading space, and manoeuvring space for the use in (1.) above, may be provided and maintained on the lands shown as Blocks "1" and "2".

- (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1135, and that the subject lands on Zoning District Map E-13 be notated S-1135;
 - (vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;
 - (vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (viii) That the Landsdale Neighbourhood Plan be amended by redesignating the lands shown as Block "1" from "Medium Density Apartments" to "Commercial".
- (b) That By-law No. 79-275 as amended by By-law No. 87-223 establishing Site Plan Control, **BE AMENDED** by adding the lands shown as Blocks "2" and "3" to Schedule "A".
- (c) That the amending By-law **NOT BE PASSED** by Council until the applicant has applied for and received approval of having the alleyway adjoining Block "3" between Wellington Street North and the north-south alleyway, designated as a one-way alleyway eastbound.

NOTE: The purpose of the By-law is to provide for a change and modification in zoning for properties at 15-27 West Avenue North and 16-20 Wellington Street North, on the following basis:

- (a) Block "1" - Change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G-3" (Public Parking Lots) District, modified.
- (b) Blocks "2" and "3" - Modification to the "H" (Community Shopping and Commercial, etc.) District.

The effect of the By-law is to permit the replacement of the existing Robinson Funeral Home located on Block "2", with a new funeral home on Block "3".

The required parking, loading and manoeuvring space for the new funeral home will be located on Blocks "1" and "2".

In addition, the By-law provides for the following variances as special conditions:

- (a) To require a minimum front yard depth of 1.7m (5.5 feet) for the new funeral home adjacent to Wellington Street North (Block "3"), whereas 12.0m (39.37 feet) is required;
- (b) To permit a sign to be located in the required front yard on Block "3";
- (c) To eliminate the minimum required rear yard depth of 4.5m (14.76 feet) for the new funeral home on Block "3";
- (d) To permit a three (3) car garage on Block "1", which is to be used in conjunction with the funeral home on Block "3";

- (e) To require a minimum 3.0m (10 foot) landscaped area, and a visual barrier not less than 1.2m in height and not greater than 2.0m in height within the landscaped area; to be provided and maintained along the easterly lot line of Block "1" adjacent to West Avenue North, whereas 4.5m (14.76 feet) is required; and,
- (f) To require a minimum 3.0m (10 foot) wide landscaped area, and a visual barrier not less than 1.2m in height and not greater than 2.0m in height within the landscaped area, to be provided and maintained along the easterly lot line of Block "2" adjacent to West Avenue North, except for any access driveway.

Alderman Hinkley added that the developer is very interested in working with the City and Friends of the Park Committee in restoring the Park in front of the property.

ZA 89-36 -
1515 Upper Ottawa
St..

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 4, respecting Zoning Application 89-36, for property at 1515 Upper Ottawa Street. The staff recommendation was for DENIAL of this application.

Alderman Merling spoke to this matter and indicated that he would be in support of this application if there were modifications to the zoning to allow for the existing video store, variety store and travel agency but not a restaurant.

The Committee then discussed this matter and APPROVED the following revised recommendation:

- (A) That Zoning Application 89-36, 658414 Ontario Inc., owner, requesting a change in zoning from an "M-12" (Prestige Industrial) District to "M-11" (Prestige Industrial) District modified to permit the existing video store, the variety store, and the travel agency uses for property located at 1515 Upper Ottawa Street, as shown on the attached map marked Appendix "J", BE DENIED for the following reasons:
 - (a) That the proposal does not comply with the intent of the Official Plan or the Mountain Industrial Area Plan;
 - (b) The proposal does not comply with the intent of the "M-12" (Prestige Industrial) District which is to provide for light industrial use and a limited range of non-retail commercial uses;
 - (c) Approval of the application may encourage similar applications from other properties along Upper Ottawa Street which, if approved, would undermine the industrial designation of the area; and,
 - (d) There are other locations in the Mountain Industrial Area which are appropriately zoned where the proposed commercial uses would be more appropriately located.
- (B) That APPROVAL be given to amended Zoning Application 89-36, 658414 Ontario Inc., owner, requesting a modification to the established "M-12" (Prestige Industrial) District to permit, in addition to other uses under the "M-12" District, a travel agency and variety store, for property located at 1515 Upper Ottawa Street, as shown on the attached map marked as Appendix "J", on the following basis:
 - (a) That the "M-12" (Prestige Industrial) District provisions as contained in Section 17D of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:

- (i) That notwithstanding Section 17D(1)(b) the following commercial uses shall also be permitted:

	<u>S.I.C. No.</u>
(1.) Ticket and Travel Agencies	9961
(2.) Other General Merchandise Stores, restricted to:	6413

2.1 A variety Store

- (b) That amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1136, and the subject lands on Zoning District Map E-59D be notated S-1136.
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council.
- (d) The proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "M-12" (Prestige Industrial) District for property located at 1515 Upper Ottawa Street.

The effect of the By-law is to permit, in addition to the other uses under the M-12" (Prestige Industrial) District, the existing travel agency and variety store.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 8, respecting Amended Zoning Application 89-55, for property at 286 Sanford Avenue North.

Amended ZA 89-55 -
286 Sanford Avenue
North.

Ms. Candy Marsan, representative of Meridian Co-operative Homes was in attendance and spoke on the application.

The Committee was in receipt of a letter of submission from Grace Mancini, 2 Milton Avenue.

The Committee was in receipt of a letter of submission from Mr. G. S. Duffus, Director, Plant Engineering and Environmental Control, Westinghouse Canada Inc.

Mr. Tom Lawrsen, of Westinghouse Canada was in attendance at the meeting and spoke on Westinghouse's concerns at the proposal.

The Committee then discussed this matter respecting the condition that the Ministry of the Environment be required to approve the acoustical study. It was AGREED that the acoustical study be done and that the Ministry of the Environment be requested to expedite the approval of the acoustical study.

The Committee then APPROVED the following:

That Amended Zoning Application 89-55, Meridian Co-operative Homes/Homestarts, prospective owner, requesting a change in Zoning from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to permit the conversion of the existing building to a maximum 74-unit co-operative/non-profit multiple dwelling on lands located at 286 Sanford Avenue North, as shown on the attached map marked as Appendix "A", BE TABLED pending the submission and review of a professional acoustical study to the satisfaction of the Ontario Ministry of the Environment.

ZA 87-58 -
2774 and 2794
King Street East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 3, respecting Zoning Application 87-58, for property at 2774-2794 King Street East.

The owner of property at 58 Monte Drive spoke to the Committee. He expressed concerns at the commercial use of the Donut Shop at the corner which has been very dangerous in generating many accidents. He also added that any further commercial use would only increase the danger.

The owner of 23 Orlanda Street spoke to the Committee and added that the present Donut Shop and Gas Bar on the corner is very dirty and expressed frustration that a "Family" restaurant is really a saloon and can only survive with a liquor licence.

Mr. George Watson, 54 Monte Drive spoke to the Committee and indicated that there are very expensive homes in this area and that the present commercial uses in the neighbourhood are a disgrace. He added that he doesn't feel that the wishes of the people are listened to and he knows that many of his neighbours do not come out to the Committee meeting because they feel it is useless. He added that there is very little green area any more in the area and that developers in the area do not maintain property but wait for the City to do it.

Mr. Tom Cochrane, representative of Cochrane Construction and Mr. Don May, Planning Consultant were in attendance to speak to their application.

Mr. May spoke to the application. He added that he would like an amendment to the recommendation to allow for restaurant use on the second floor only with maximum seating of 100 with no drive-through, no stand-up bar and no dancing.

The Committee then discussed this matter at great length.

The Committee then APPROVED the following recommendation with an amendment to the number of persons on a restaurant to 60 persons with a corresponding maximum square footage of the restaurant.

The Committee APPROVED the following recommendation:

- (A) That amended Zoning Application 87-58, Tommar Construction, owner, requesting a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District provisions to permit a two storey restaurant having a maximum seating capacity of 99 persons and a maximum seating area of 232.2 m² within the proposed shopping centre, for the property located at 2774-2794 King Street East, as shown on the attached map marked as Appendix "K", BE DENIED, for the following reasons:
 - (a) It conflicts with the intent of the approved Gershome Neighbourhood Plan, in that the seating capacity and size of the proposed restaurant is larger than a "family" (neighbourhood based) restaurant envisioned by the Neighbourhood Plan. A 'family' type restaurant is considered to be a sit-down eating establishment having a maximum seating capacity for 60 persons. Furthermore, the proposed restaurant would likely depend on clientele from an area larger than the immediate neighbourhoods.
- (B) That APPROVAL be given to Official Plan Amendment No. 78 to redesignate a portion of the subject lands (Block "2") from Residential to Commercial and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

- (C) That APPROVAL be given to an amended Zoning Application 87-58, Tommar Construction, owner, for a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District provisions, to permit a restaurant having a maximum seating capacity of 60 persons and a seating area within the first floor of the proposed shopping centre, for the property located at 2774-2794 King Street East, as shown on the attached map marked as Appendix "K", on the following basis:

- (a) That By-law 86-204, amending Zoning By-law No. 6593, be further amended on the following basis:

(i) That Section 2.(b)(i)(1) be deleted.

- (b) That By-law 86-230 amending Zoning By-law No. 6593, be further amended on the following basis:

(i) That Section 2.(a)(ii)(1) be deleted.

- (c) That the "G" (Neighbourhood Shopping Centre) District regulations as contained in Section 13 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be further modified to include the following variances as special requirements:

- (i) Notwithstanding the provisions of Section 13.(1)(vii), a restaurant shall be permitted, provided that:

(1.) It is contained within the second floor of the building;

(2.) It shall have a maximum seating capacity of 60 persons and a maximum seating area of 111.5m^2 (1,200 square feet); and

(3.) It shall have no drive through facility.

- (d) That a minimum 3.0m wide landscaped strip shall be provided and maintained along the entire front lot line except for the access driveways.

- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedules S-995a and S-996a, and that the subject lands on Zoning District Map E-106 be notated as S-995a and S-996a.

- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-106 for presentation to City Council.

- (g) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area once Official Plan Amendment No. 78 is approved by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of the By-law is to provide for a further modification to the "G" (Neighbourhood Shopping Centre) District provisions for the properties located at 2774-2794 King Street East.

The effect of the By-law is to permit a restaurant provided:

- (a) It is located within the second floor of the building.

(b) It has a maximum seating capacity of 60 persons and a maximum seating area of 111.5m^2 (1,200 square feet); and

- (c) It does not have a drive through facility.

The Planning and Development Committee -18- Wednesday, 1989 August 16

In addition, the By-law requires a minimum 3.0m wide landscaped strip to be provided and maintained along the front lot line, except for access driveways.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 August 16

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: September 20, 1989

COMM. FILE:

DEPT. FILE:

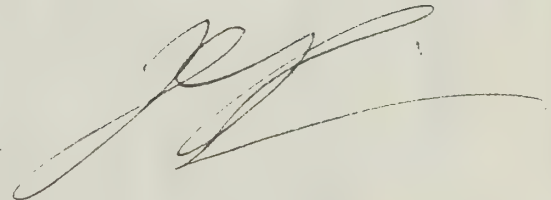
SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- a. 207, 209, 211 Hughson Street North
- b. 117 West Avenue South
- c. 123 West Avenue South
- d. 32 Stinson Street
- e. 867 Upper Paradise Road
- f. 25 Melbourne Street West
- g. 288 Grays Road
- h. 122 Harmony Road



That the committee table the following application: -

- a. 148 Annabelle Street

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

DEMOLITION CONTROL


DATE: September 20, 1989

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	207-211 Hughson North	S.F.D.	Off street parking (downtown)	66' X 112'	City of Hamilton (as of Sept. 29/89)	"D"	It is recommended that Committee approve demolition.
B.	117 West Ave. S.	S.F.D.	Carter Park	28.55' X 92.18'	City of Hamilton (as of Oct. 10/89)	"E"	It is recommended that Committee approve demolition.
C.	123 West Ave. S.	T.F.D.	Carter Park	28.55' X 93.26'	City of Hamilton (as of Sept. 30/89)	"E"	It is recommended that Committee approve demolition.
D.	32 Stinson S.	6 family	Carter Park	47.39' X 110.30'	City of Hamilton (as of Nov. 15/89)	"E"	It is recommended that Committee approve demolition
E.	867 Upper Paradise Road	S.F.D.	Comm. Car Wash	70.18' X	Cdn. Petroleums Ltd.	"D/S-531"	It is recommended that Committee approve demolition. NOTE: Applicaton has been made for zoning change from "D" to "HH" (88-145) By-law presently under appeal to O.M.B.
F.	25 Melbourne W.	S.F.D.	Vacant	18' X 151'	Ivan P. McKenna	"D"	It is recommended that Committee approve demolition.
G.	288 Grays Road	S.F.D.	M.F.D.	50.41' X	Tyka Investments Ltd.	"HH/S-1114"	It is recommended that Committee approve demolition.
					L.C. King, P. Eng., Building Commissioner		

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
H.	122 Harmony Road	S.F.D.	Vacant	25' X 96'	City of Hamilton	"C"	It is recommended that Committee approve demolition.
I.	148 Annabelle St.	S.F.D.	S.F.D.	70' X 263.75'	Sam Aquino	"C"	It is recommended that Committee table pending enforcement proceedings. Already demolished.


 L.C. King, P. Eng.,
 Building Commissioner

FOR ACTION

3.

REPORT TO: Mrs. S.K. Reeder,
Secretary,
Planning & Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

DATE: September 20, 1989

COMM. FILE:

DEPT. FILE: Zoning By-law
80-245(88-09)

SEP 21 1989

SUBJECT:

By-law 80-245 as amended by By-law 88-09 respecting land drainage.

RECOMMENDATION:

That By-law 80-245 be appropriately amended to allow buildings other than single and two-family dwellings and buildings accessory thereto to discharge rainwater leaders directly onto the ground rather than providing a connection to storm sewers.

That Section 6 be amended to include the following:-

That roof leaders are not required to be connected to storm sewers on buildings, other than single family and two-family dwellings and accessory buildings thereto, where the site design is prepared by a Professional Engineer and the design is acceptable to the Commissioner of Engineering.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

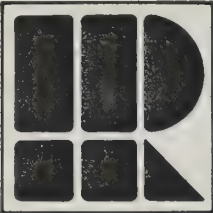
In 1988 By-law 80-245 was amended by By-law 88-09 requiring the connection of all rainwater leaders to storm sewers. The purpose of this by-law was to alleviate neighbourhood disputes and flooding caused by the discharge of rainwater leaders in close proximity to property lines. The by-law as it stands has been successful in alleviating the majority of problems caused by downspouts.

Since the passing of the by-law, this Department has encountered several problems with enforcement of the by-law on multiple-residential projects. On large projects, it has been the practice of designers to include all storm run-off within the boundary of the property and to provide adequate drainage by way of catchbasins and retention.

There have been some projects constructed recently which have not been connected to storm sewers and are nearing completion without the required connections. Please find attached a letter from Haverty & Rankin Limited, Architects, respecting a townhouse development known as Applegrove where by an oversight, the builder did not connect the rainwater leaders directly to the storm sewers.

It has been suggested that on projects such as this, if a Professional Engineer is employed and designs the total site to accommodate all storm water run-off, then direct connection to the storm sewer is not necessary. This proposal will allow some flexibility in the design of multiple-residential, commercial, and industrial developments and would also benefit the municipality by delaying peak run-off during storms and allowing site absorption of some of the storm run-off.

This proposed amendment is similar to the by-law requirements, dealing with catchbasins on parking lots and would eliminate the discrepancies in the by-law between buildings and parking lots.



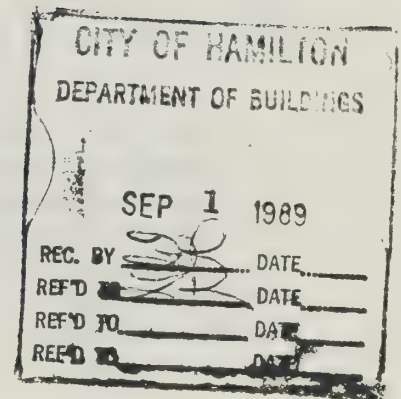
HAVERTY
&
RANKIN
LIMITED

Architects

276 Main St. West
Hamilton, Ontario
L8P 1J8
416 525-2222
Fax 416 525-5066

August 30, 1989

Mr. Len King
Building Commissioner
City of Hamilton
71 Main St. West
Hamilton, Ontario
L8N 3T4



Re: STORM WATER DRAINAGE - APPLGROVE, STANLEY WOODS
AND STANLEY PLACE

Dear Mr. King:

The storm drainage from all the sites have been designed by professional engineers on the basis of the downpipes from the townhouse roofs discharging onto the sodded ground. The design was submitted to the City of Hamilton and the Ministry of the Environment for approval. Various revisions of the design requested during the approval process were complied with and the designs were approved.

During the construction of the projects, a building inspector pointed out to the builder that the bylaws of the City of Hamilton had been changed and now required that roof drains be connected directly to the storm water drainage piping system. At that time, most of the townhouses were already constructed and the builder could comply with this new requirement in only the last three blocks of townhouses of the Stanley Woods/Place project, which he did.

The design and construction of the storm drainage system and the grading of the site is such that it will have no detrimental affect on the adjacent properties. The roof drainage is directed to the surface of each of these sites and then directed by way of site grading and swales to catch basins and then to the underground piping system and the grading of the site is such that it contains all rainwater within the boundaries of the property.

The points of discharge have been designed so that the downpipes from the roofs will not create hazardous conditions in winter on any of the walkways and driveways.

LORNE E. HAVERTY, B. Arch., M.R.A.I.C.

J. BRUCE RANKIN, B. Arch., M.R.A.I.C.

Associates: Alice C. Perniac, C.I.M., P.Mgr.

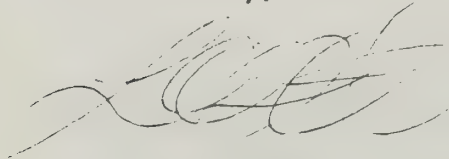
Emil Cristescu, Dip. Arch.

We therefore believe that the entire system as it has been constructed is functional from all points of view.

We would also like to add that it is our opinion that to discharge the roof drainage to the ground in this kind of a development where sufficient sodded area is available for the absorption of the rainwater is beneficial not only to the environment as it provides more natural moisture for the vegetation but also as the sodded areas serve to slow down the surface runoff of rainwater by up to 75%, this method is also beneficial in that it reduces the load in the municipal storm sewers in peak runoff periods.

We would like to suggest that the City of Hamilton consider revising the relevant bylaw to allow a competent professional engineer to design the storm water drainage system including the method of collecting the rainwater from the roofs in projects that require site plan approval.

Yours truly,

A handwritten signature in dark ink, appearing to read 'L. E. Haverty', with a stylized, cursive script.

L. E. HAVERTY

c.c. Valery Const. FAX
Sigma Engineering FAX

FOR ACTION

4.

REPORT TO: Susan K. Reeder, Secretary
Planning and Development Committee

FROM: L.C. KING, P.Eng.
Chairman,
Cash-in-Lieu of Parking Committee

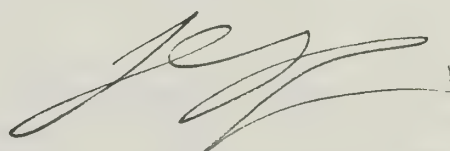
DATE: September 20, 1989
COMM. FILE:
DEPT. FILE: 89.4.2.1.A

SEP 21 1989

SUBJECT:

Cash-in-Lieu of Parking - Fennell Square Plaza - 1007 Fennell Avenue East

RECOMMENDATION:



That in accordance with the Cash-in-Lieu of Parking policy that Stan Vine of River Dell Holdings Limited be required to pay to the City of Hamilton the sum of \$79,750, which is 50% of the cost of providing 29 parking spaces at a total cost of \$159,500.

That the City Solicitor's Department be directed to prepare the Cash-in-Lieu agreement as required.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The sum of \$79,750 will be added to the reserve for off-street parking administered by the Parking Authority of the City of Hamilton.

BACKGROUND:

On September 13, 1989, the Planning and Development Committee approved DA-88-30, subject to finalization of a shortfall in required parking from 498 to 469 through the Cash-in-Lieu of Parking policy.

The subject property is an existing plaza on which the owner proposes to erect an additional building. The new building causes a shortfall in parking required under Zoning By-law #6593 from 498 to 469.

At its meeting held on September 15, 1989, the Cash-in-Lieu Committee recommended that the policy be applied to this property for the shortfall of 29 parking spaces. Based on a parking space cost of \$5,500/space, the total cost of providing 29 spaces is \$159,500. It is recommended that the applicant pay 50% of this cost, which is \$79,750.

FOR ACTION

5.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 September 21
COMM FILE:
DEPT FILE: 800-0613

SUBJECT: Central/Beasley Neighbourhoods;
Application for P.R.I.D.E. Funding for
1990-1993

RECOMMENDATION:

- a) That, the Director of Community Development be authorized to make application to the Ministry of Municipal Affairs, Community Development Branch, for matching funds under the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) Programme for a maximum of four hundred thousand dollars (\$400,000.) to equal a total project cost of eight hundred thousand dollars (\$800,000.) for the Central/Beasley P.R.I.D.E. Project.
- b) That, a Community Improvement Project Area be designated as per the attached Schedule 'A' for the Central/Beasley Neighbourhoods in conformity with the Planning Act, Section 28.
- c) That, the City Solicitor be authorized and directed to prepare the necessary By-law for (b) above.
- d) That, the Department of Community Development be authorized to prepare the requisite Community Improvement Plan in accordance with the Planning Act, Section 28.
- e) That, the City Solicitor be authorized and directed to prepare the necessary By-law for (d) above.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

For the information for the members of the Planning and Development Committee, funds for the City's portion of this project have been allocated in the 1989 to 1993 Capital Budget.

Included in the 1988-1991 period of the 1988-1992 Capital Budget was the amount of eight hundred thousand dollars (\$800,000.) for the Beasley P.R.I.D.E. Programme (\$400,000. Provincial and \$400,000. Municipal). Via the Parks Expenditure Policy, this has been geographically expanded to include a portion of the Central Neighbourhood also.

Application deadline to the Ministry of Municipal Affairs is 1989 December 01.

BACKGROUND:

The Central and Beasley Neighbourhoods are located adjacent to the Downtown Core of Hamilton. The area has been identified as the next priority area of the Parks Expenditure Policy. The population for the Central Neighbourhood is 3,558 and the population for the Beasley Neighbourhood is 5,438 (1988). These older residential neighbourhoods have some existing parkland in need of upgrading as well as some space made available through the City's Acquisition Program. Both have been identified by a Housing Intensification Technical Steering Committee for the purposes of a study as neighbourhoods with potential for intensification.

cc:Mr. B. Prowse, Secretary
Parks and Recreation Committee

Mr. J. Pavelka, Director
Public Works Department

Mr. D. Godley, Manager of Neighbourhood Planning
Planning and Development Department

Mr. D. Farquhar, Manager of Administrative Services
Culture and Recreation Department

Mr. B. Hotrum, Supervisor of Capital Budget
Treasury Department

R-3/S-7776

3-7776

40 107 106
127 21 10
92 41 31

P.R.I.D.E.

CITY OF HAMILTON

(portion of)

CENTRAL

ZONING

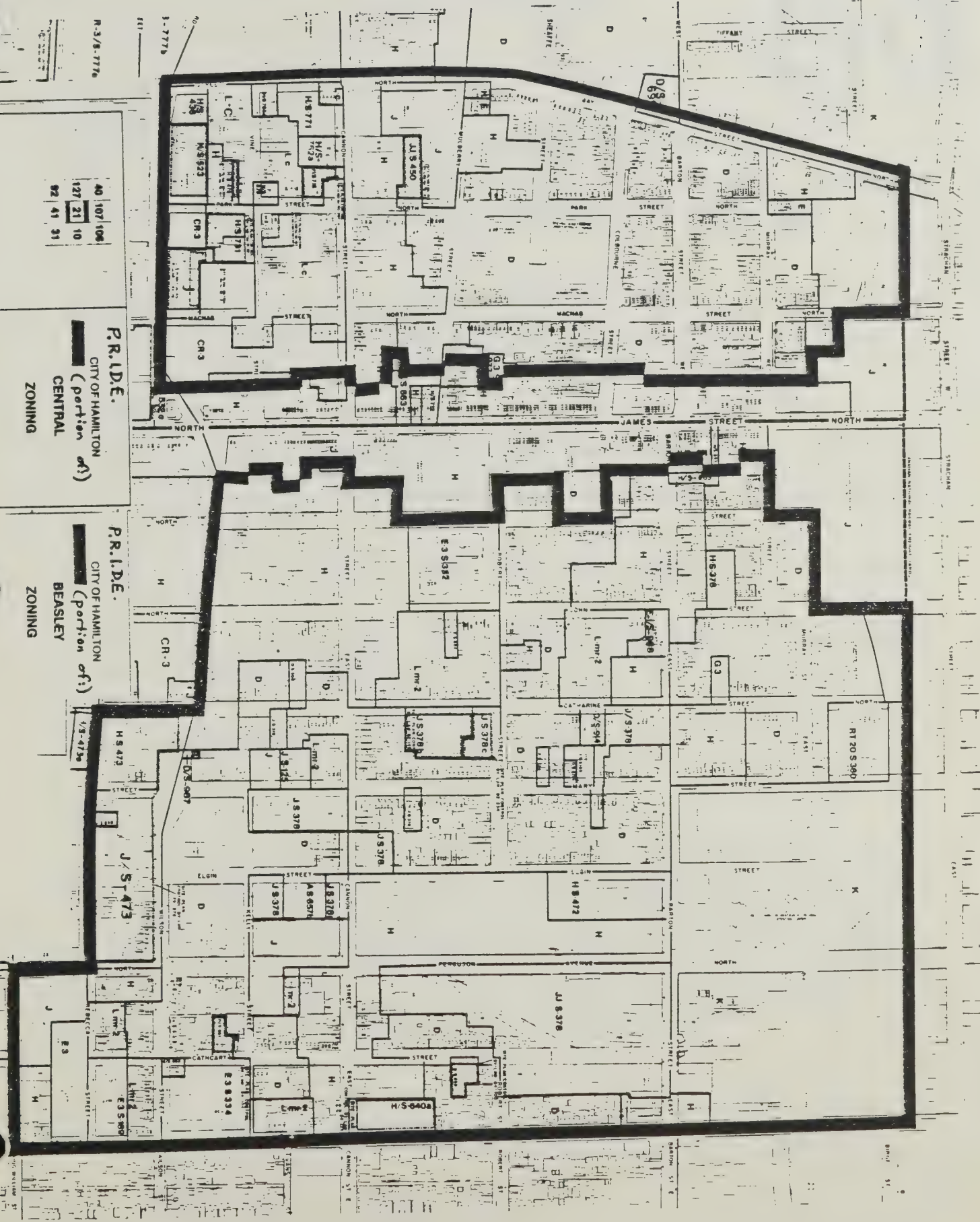
P.R.I.D.E.

CITY OF HAMILTON

(portion of)

BEASLEY

ZONING



FOR ACTION

6a.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 August 25

COMM FILE:

DEPT FILE: 800-0014.12

SUBJECT: Main Street West Community Improvement Plan;
Commercial Facade Loan Programme;
Commercial Improvement Programme

RECOMMENDATION:

- i) That the attached Community Improvement Plan for Main Street West on Main Street West from Locke to Queen Streets (Main Street West B.I.A.) be adopted in order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme.
- ii) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law; and,
- iii) That the City Solicitor be hereby authorized to submit to the Province, Ministry of Municipal Affairs, the Community Improvement Plan on Main Street West from Locke to Queen Streets for their approval.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

BACKGROUND:

The Planning Act, Section 28, Sub-Section 7 (1983) stipulates that, "For the purpose of carrying out the Community Improvement Plan the Municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project Area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan". In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme on Main Street West from Locke to Queen Streets, the Community Improvement Plan must be adopted by By-law and approved by the Ministry of Municipal Affairs.

FOR ACTION

6a.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 August 25

COMM FILE:

DEPT FILE: 800-0014.12

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Commercial Facade Loan Programme;
Commercial Improvement Programme

RECOMMENDATION:

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- iii) That the City Solicitor be hereby authorized to submit to the Province, Ministry of Municipal Affairs, the Community Improvement Plan on Main Street West from Locke to Queen Streets for their approval.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

BACKGROUND:

The Planning Act, Section 28, Sub-Section 7 (1983) stipulates that, "For the purpose of carrying out the Community Improvement Plan the Municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project Area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan". In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme on Main Street West from Locke to Queen Streets, the Community Improvement Plan must be adopted by By-law and approved by the Ministry of Municipal Affairs.

MAIN STREET WEST
COMMUNITY IMPROVEMENT PLAN

PURPOSE:

TO DESIGNATE MAIN STREET WEST FROM LOCKE TO QUEEN STREETS AS A COMMUNITY IMPROVEMENT PLAN AREA IN ORDER TO IMPLEMENT B.I.A. DESIGNATION, AND THE SUBSEQUENT CORPORATION OF THE CITY OF HAMILTON'S COMMERCIAL FACADE LOAN PROGRAMME AND THE COMMERCIAL IMPROVEMENT PROGRAMME VEHICLES TO MEET THE IMPROVEMENT NEEDS OF THE AREA.

PREFACE:

THE CITY OF HAMILTON IS CURRENTLY IN THE PROCESS OF DESIGNATING THE MAIN STREET WEST B.I.A., ON MAIN STREET WEST BETWEEN LOCKE AND QUEEN STREETS. THIS WRITTEN PLAN CONSTITUTES THE CORRESPONDING COMMUNITY IMPROVEMENT PROGRAMME PLAN.

INTRODUCTION:

MAIN STREET WEST IS SLATED FOR MAJOR ROAD RECONSTRUCTION IN 1990. AS WELL, THE AREA SERVES AS A GATEWAY INTO THE CITY. A COMMUNITY IMPROVEMENT PLAN WOULD COORDINATE EFFORTS TO COMPLIMENT THE FUTURE DEVELOPMENT OF THE AREA.

THE OFFICIAL PLAN STATES "COUNCIL WILL UNDERTAKE TO KEEP IN A FIT AND WELL, MAINTAINED CONDITION ALL MUNICIPAL PROPERTIES AND OTHER PUBLIC WORKS" (SUB-SECTION .5, 5.4)

IN ADDITION TO INCREASING THE ATTRACTIVENESS OF THE AREA, RENOVATIONS WILL INCREASE THE REVITALIZATION OF EXISTING BUILDINGS; PREVIOUSLY UNUSED SPACE CAN BE TRANSFORMED INTO OFFICE OR APARTMENTS.

COMMERCIAL FACADE LOAN PROGRAMME:

BACKGROUND:

IN A REPORT SUBMITTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT DATED 1985, DECEMBER 10 AND INCLUDED IN ITS CAPITAL BUDGET SUBMISSION, THE PLANNING AND DEVELOPMENT COMMITTEE APPROVED THE ESTABLISHED OF A NEW COMMERCIAL FACADE LOAN PROGRAMME. SUBSEQUENTLY, CITY COUNCIL GAVE THE DEPARTMENT OF COMMUNITY DEVELOPMENT AUTHORIZATION TO PROCEED WITH IMPLEMENTATION OF THE COMMERCIAL FACADE LOAN PROGRAMME BY ADOPTING ITEM 10 OF THE TWELFTH REPORT FOR 1986 OF THE PLANNING AND DEVELOPMENT COMMITTEE, 1986 JUNE 24.

THE MAIN STREET WEST BUSINESS IMPROVEMENT AREA, DESIGNATED AS A COMMUNITY IMPROVEMENT PROJECT AREA UNDER SECTION 28 OF THE PLANNING ACT, 1983, ALONG WITH THIS COMMUNITY IMPROVEMENT PLAN, ENABLES THE COMMERCIAL FACADE LOAN PROGRAMME TO BE IMPLEMENTED. THIS PROGRAMME IS DESIGNED TO PROVIDE LOW INTEREST LOANS OF OWNERS OF COMMERCIAL PROPERTIES LOCATED WITHIN BUSINESS IMPROVEMENT AREAS (B.I.A.S). THE MAXIMUM LOAN AMOUNT IS ESTABLISHED AT \$15,000. PER MUNICIPAL ADDRESS AT AN INTEREST RATE OF ONE-HALF THE RATE AT WHICH THE CITY WOULD BORROW THE MONEY. THE LOANS WILL BE AMORTIZED OVER TEN (10) YEARS. THE ATTACHED APPENDIX 'A' CONSTITUTES THE COMMERCIAL FACADE LOAN PROGRAMME GUIDELINES. APPENDIX 'B' IS A MAP OF THE COMMUNITY IMPROVEMENT PROJECT AREA OR, ARE OF IMPLEMENTATION.

CONCLUSION:

THE COMMUNITY IMPROVEMENT PROJECT PLAN IS INTENDED TO BE ACTION ORIENTATED, CONCENTRATING ON REHABILITATING OR UPDATING EXISTING BUILDING FRONTAGES, RATHER THAN REDEVELOPMENT OR LARGE SCALE IMPROVEMENTS.

COMMERCIAL FACADE LOAN PROGRAM

GUIDELINES

- LIMITED TO BUSINESS IMPROVEMENTS AREAS (B.I.A.'S).
- ALL LOANS AT AN INTEREST RATE HALF OF THE CITY'S PRIME BORROWING RATE.
- MAXIMUM LOAN AMOUNT \$15,000. PER BUSINESS FOR FACADE AND EXTERIOR RENOVATION.
- MAXIMUM LOAN FOR FACADE \$10,000.
- LOAN AMORTIZED OVER TEN YEARS (OPEN).
- THE BUILDING ENVELOPE WOULD BE INSPECTED, INCLUDING EXTERIOR SHELL (FOUNDATION, EXTERIOR WALLS, ROOF, FIRE ESCAPES AND CHIMNEYS). ANY DEFICIENCIES WOULD HAVE TO BE CORRECTED BEFORE FACADE IMPROVEMENTS (STORE FRONTS, AESTHETICS, SIGNAGE, ETC.) WOULD BE CONSIDERED.
- LOAN SECURED BY LIEN ON TITLE. PROFESSIONAL FEES (ARCHITECTS, ENGINEERS, APPRAISERS, SOLICITORS, ETC.) ELIGIBLE EXPENSE.
- OWNERS ONLY COULD MAKE LOAN. HOWEVER, TENANTS COULD WORK WITH LANDLORDS, BUT LANDLORD MUST MAKE THE FINANCIAL COMMITMENT.
- EQUITY MUST BE SUFFICIENT TO COVER OUTSTANDING PROPERTY COMMITMENTS INCLUDING CITY LIEN.
- REPAYMENT WILL BE ON A MONTHLY BASIS BUT OPEN TO FULL REPAYMENT AT ANY TIME AT NO PENALTY.
- ALL MONEY COLLECTED ON REPAYMENT TO BE PLACED IN A RECYCLABLE ACCOUNT TO CONTINUE PROGRAMME AFTER ORIGINAL CAPITAL BUDGET ALLOCATION.
- MAXIMUM LOAN TO ANY ONE OWNER \$50,000.
- UNIT ELIGIBILITY WILL BE BASED ON LATEST REVISED BUSINESS ASSESSMENT ROLLS.
- LOANS TRANSFERABLE TO NEW OWNER PROVIDING NEW OWNER MEETS AND AGREES TO TERMS AND CONDITIONS OF LOAN.
- THE OWNER WILL OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR FACADE IMPROVEMENTS WANTED BY OWNER. (THE BUILDING DEPARTMENT WILL APPROVE THE ESTIMATES BASED ON THEIR INSPECTION). A FULL REPORT WILL BE PREPARED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT INCORPORATING OUR RECOMMENDATIONS AND THE BUILDING DEPARTMENT'S. THESE, WITH THE APPLICATION, WILL THEN BE FORWARDED TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL FOR APPROVAL.
- PROPERTY TAXES MUST BE CURRENT, INCLUDING B.I.A. LEVY.
- THE OWNER WILL OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR FACADE IMPROVEMENTS WANTED BY OWNER. (THE BUILDING DEPARTMENT WILL APPROVED THE ESTIMATES BASED ON THEIR INSPECTION.) THE B.I.A. BOARD OF MANAGEMENT WILL REVIEW THE FACADE IMPROVEMENTS AND BE REQUESTED TO SUBMIT A LETTER SUPPORTING OR REJECTING PROPOSAL. A FULL REPORT WILL BE PREPARED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT INCORPORATING OUR RECOMMENDATIONS, THE BUILDING DEPARTMENT'S, THE PLANNING AND DEVELOPMENT DEPARTMENT'S AND THE B.I.A.'S. THESE, WITH THE APPLICATION, WILL THEN BE FORWARDED TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL FOR APPROVAL.
- ONLY COMPLETED WORK WHICH HAS BEEN INSPECTED WILL BE PAID FOR.
- EXTERIOR REHABILITATION WORK WILL, IF AT ALL POSSIBLE, BE DONE FIRST BEFORE FACADE IMPROVEMENT.

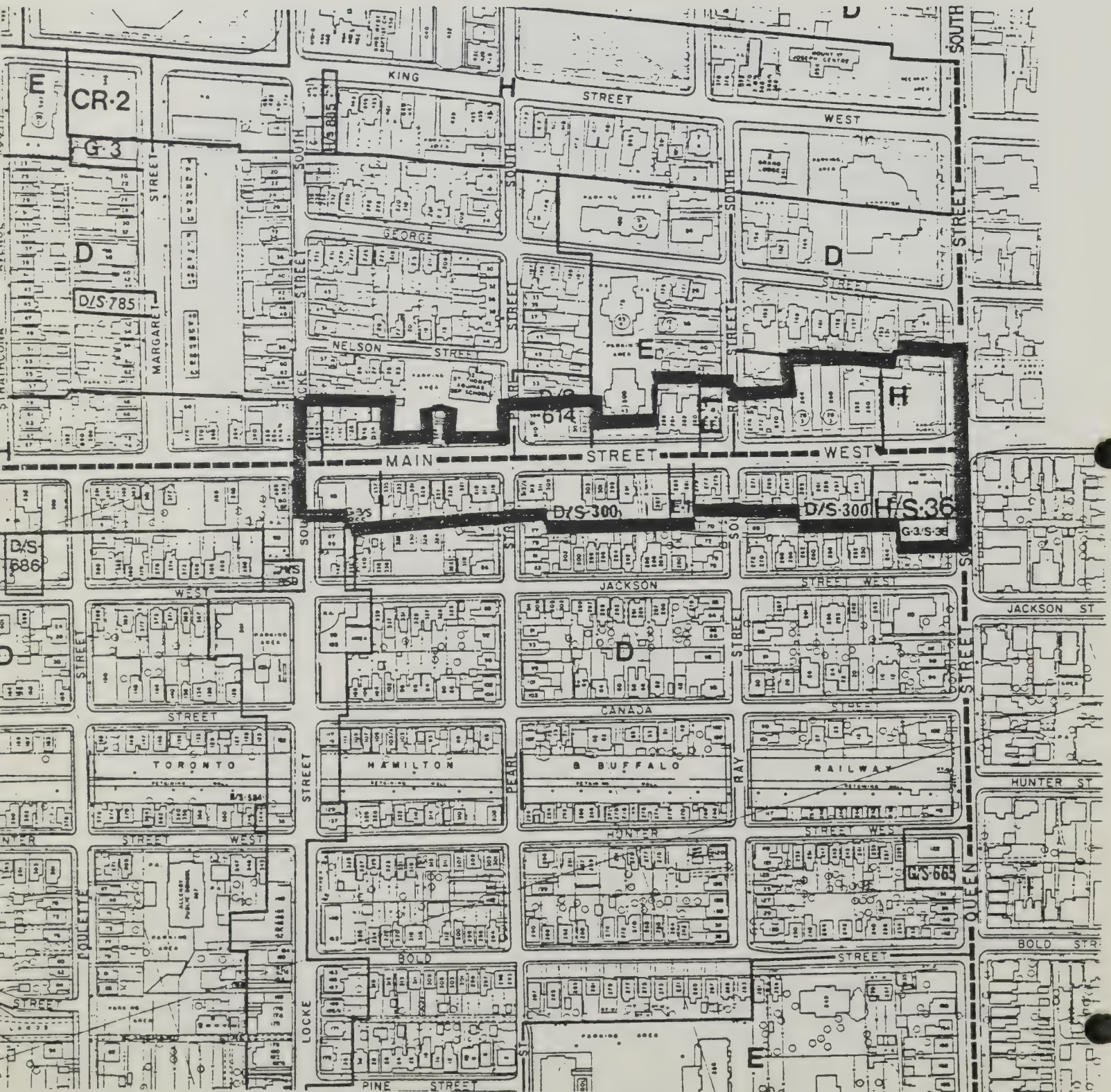
COMMERCIAL IMPROVEMENT PROGRAMME

In 1986, the Department of Community Development recommended to City Council the Commercial Improvement Programme. This Programme was established to address streetscape improvements to municipally owned lands within Business Improvement Area boundaries.

Over the five year period a total of \$2.5 million was set aside for the entire Programme. Some items which have already been addressed under the Programme are banners, brick pavers, concrete bollards, a drinking fountain, hanging flower baskets and benches.

(proposed)

MAIN ST. WEST B.I.A.



FOR ACTION

6b.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 September 21
COMM FILE:
DEPT FILE: 800-0014.4

SUBJECT: Locke Place Community Improvement Plan;
Commercial Facade Loan Programme;
Commercial Improvement Programme

RECOMMENDATION:

- a) That, the attached Community Improvement Plan for Locke Place on Locke Street West from Main to Herkimer Streets (Locke Place B.I.A.) be adopted in order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme.
- b) That, the City Solicitor be hereby authorized and directed to prepare the requisite By-law; and,
- c) That, the City Solicitor be hereby authorized to submit to the Province, Ministry of Municipal Affairs, the Community Improvement Plan on Locke Street from Main to Herkimer Streets for their approval.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Planning Act, Section 28, Sub-Section 7 (1983) stipulates that, "For the purpose of carrying out the Community Improvement Plan the Municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan". In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme on Locke south from Main to Herkimer Streets, the Community Improvement Plan must be adopted by By-law and approved by the Ministry of Municipal Affairs.

LOCKE PLACE

COMMUNITY IMPROVEMENT PLAN

PURPOSE:

THE CORPORATION OF THE CITY OF HAMILTON'S COMMERCIAL FACADE LOAN PROGRAMME AND COMMERCIAL IMPROVEMENT PROGRAMME AS VEHICLES TO MEET THE IMPROVEMENT FOR THE AREA.

PREFACE:

THE CITY OF HAMILTON IS CURRENTLY IN THE PROCESS OF DESIGNATING THE LOCKE PLACE B.I.A. ON LOCKE STREET SOUTH FROM HERKIMER TO MAIN STREET. THIS WRITTEN PLAN CONSTITUTES THE CORRESPONDING COMMUNITY IMPROVEMENT PROJECT PLAN.

INTRODUCTION:

LOCKE PLACE IS CURRENTLY IN THE PROCESS OF BECOMING A BUSINESS IMPROVEMENT AREA (B.I.A.). OVER THE YEARS, THE MERCHANTS HAVE GROWN TO UNDERSTAND WHAT A B.I.A. IS AND HAVE NOTICED THE BENEFITS OTHER AREAS HAVE ACHIEVED AFTER BECOMING A B.I.A. FOR EXAMPLE, THE COMMERCIAL FACADE LOAN PROGRAMME. THIS UNIQUE AREA WOULD BENEFIT AS A DISTINCTIVE B.I.A. ENTITY.

THE OFFICIAL PLAN STATES "COUNCIL WILL UNDERTAKE TO KEEP IN A FIT AND WELL MAINTAINED CONDITION ALL MUNICIPAL PROPERTIES AND OTHER PUBLIC WORKS". (SUB-SECTION .5, 5.4)

IN ADDITION TO INCREASING THE ATTRACTIVENESS OF THE AREA, RENOVATIONS WILL REVITALIZE EXISTING BUILDINGS. PREVIOUSLY UNUSED SPACE CAN BE TRANSFORMED INTO OFFICE OR APARTMENTS. THROUGH THE USE OF OTHER AVAILABLE PROGRAMMES SUCH AS CONVERT-TO-RENT AND THE PROVINCIAL LOW-RISE PROGRAMME THESE COMPLIED WITH THE ABOVE MENTIONED PROGRAMMES WILL HAVE A STRONG POSITIVE IMPACT ON THE COMMERCIAL AND RESIDENTIAL ELEMENTS OF THE NEIGHBOURHOOD.

COMMERCIAL FACADE LOAN PROGRAMME:

BACKGROUND:

IN A REPORT SUBMITTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT DATED 1985, DECEMBER 10 AND INCLUDED IN ITS CAPITAL BUDGET SUBMISSION, THE PLANNING AND DEVELOPMENT COMMITTEE APPROVED THE ESTABLISHED NEW COMMERCIAL FACADE LOAN PROGRAMME, SUBSEQUENTLY, CITY COUNCIL GAVE THE DEPARTMENT OF COMMUNITY DEVELOPMENT AUTHORIZATION TO PROCEED WITH IMPLEMENTATION OF THE COMMERCIAL FACADE LOAN PROGRAMME BY ADOPTING ITEM 10 OF THE TWELFTH REPORT FOR 1986 OF THE PLANNING AND DEVELOPMENT COMMITTEE, 1986 JUNE 24.

THE LOCKE PLACE B.I.A., DESIGNATED AS A COMMUNITY IMPROVEMENT PROJECT AREA UNDER SECTION 28 OF THE PLANNING ACT, 1983, ALONG WITH THIS COMMUNITY IMPROVEMENT PLAN, ENABLES THE COMMERCIAL FACADE LOAN PROGRAMME TO BE IMPLEMENTED. THIS PROGRAMME IS DESIGNED TO PROVIDE LOW INTEREST LOANS TO OWNERS OF COMMERCIAL PROPERTIES LOCATED WITHIN B.I.A.'S. THE MAXIMUM LOAN AMOUNT IS ESTABLISHED AT \$15,000. PER MUNICIPAL ADDRESS AT AN INTEREST RATE OF ONE-HALF THE RATE AT WHICH THE CITY WOULD BORROW THE MONEY. THE LOANS WILL BE AMORTIZED OVER TEN (10) YEARS. THE ATTACHED APPENDIX 'A' CONSTITUTES THE COMMERCIAL FACADE LOAN PROGRAMME GUIDELINES. APPENDIX 'B' IS A MAP OF THE COMMUNITY IMPROVEMENT PROJECT AREA OR, ARE OF IMPLEMENTATION.

CONCLUSION:

THE COMMUNITY IMPROVEMENT PROJECT PLAN IS INTENDED TO BE ACTION ORIENTATED, CONCENTRATING ON REHABILITATING OR UPDATING EXISTING BUILDING FRONTAGES, RATHER THAN REDEVELOPMENT OR LARGE SCALE IMPROVEMENTS.

COMMERCIAL FACADE LOAN PROGRAM

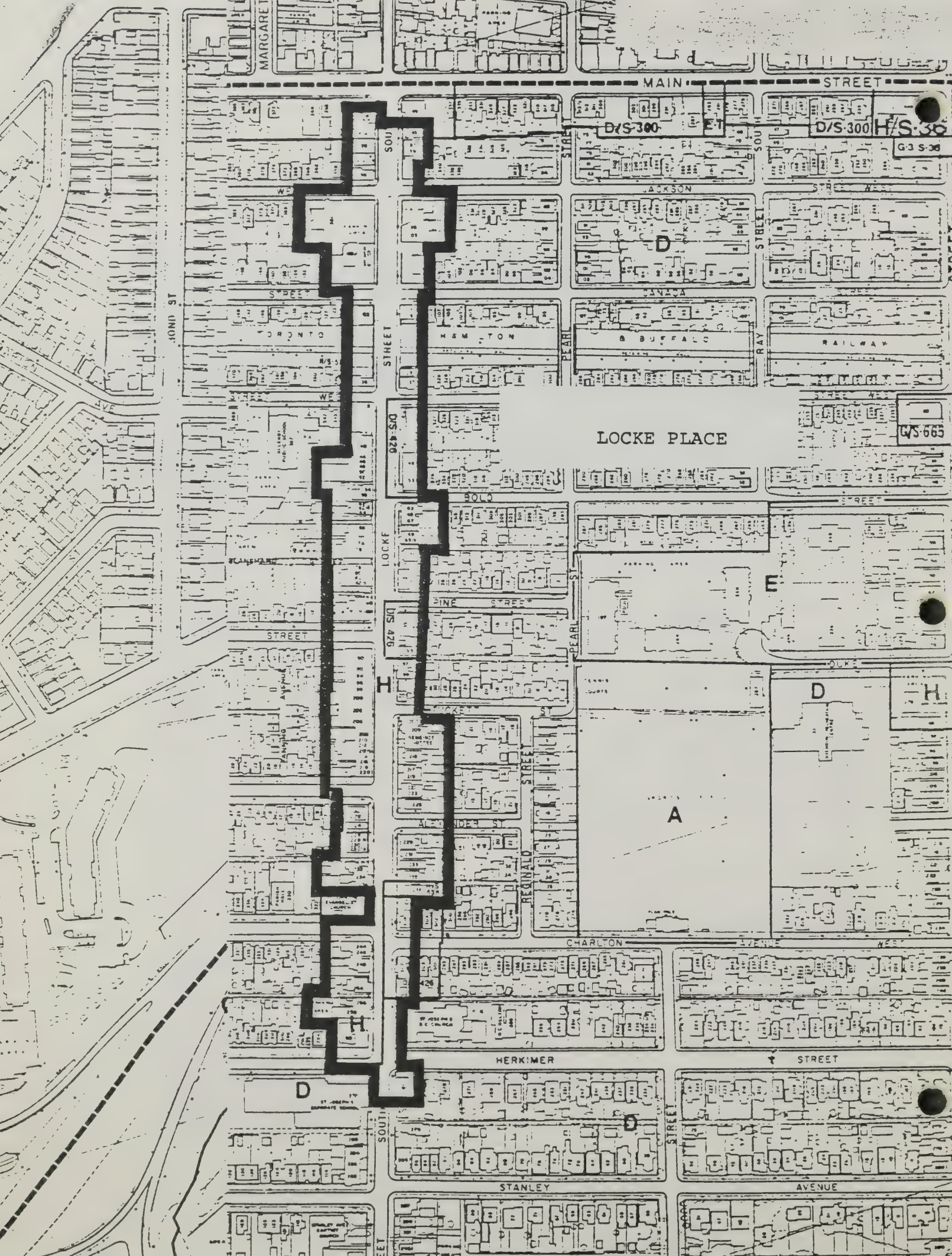
GUIDELINES

- LIMITED TO BUSINESS IMPROVEMENTS AREAS (B.I.A.'S).
- ALL LOANS AT AN INTEREST RATE HALF OF THE CITY'S PRIME BORROWING RATE.
- MAXIMUM LOAN AMOUNT \$15,000. PER BUSINESS FOR FACADE AND EXTERIOR RENOVATION.
- MAXIMUM LOAN FOR FACADE \$10,000.
- LOAN AMORTIZED OVER TEN YEARS (OPEN).
- THE BUILDING ENVELOPE WOULD BE INSPECTED, INCLUDING EXTERIOR SHELL (FOUNDATION, EXTERIOR WALLS, ROOF, FIRE ESCAPES AND CHIMNEYS). ANY DEFICIENCIES WOULD HAVE TO BE CORRECTED BEFORE FACADE IMPROVEMENTS (STORE FRONTS, AESTHETICS, SIGNAGE, ETC.) WOULD BE CONSIDERED.
- LOAN SECURED BY LIEN ON TITLE. PROFESSIONAL FEES (ARCHITECTS, ENGINEERS, APPRAISERS, SOLICITORS, ETC.) ELIGIBLE EXPENSE.
- OWNERS ONLY COULD MAKE LOAN. HOWEVER, TENANTS COULD WORK WITH LANDLORDS, BUT LANDLORD MUST MAKE THE FINANCIAL COMMITMENT.
- EQUITY MUST BE SUFFICIENT TO COVER OUTSTANDING PROPERTY COMMITMENTS INCLUDING CITY LIEN.
- REPAYMENT WILL BE ON A MONTHLY BASIS BUT OPEN TO FULL REPAYMENT AT ANY TIME AT NO PENALTY.
- ALL MONEY COLLECTED ON REPAYMENT TO BE PLACED IN A RECYCLABLE ACCOUNT TO CONTINUE PROGRAMME AFTER ORIGINAL CAPITAL BUDGET ALLOCATION.
- MAXIMUM LOAN TO ANY ONE OWNER \$50,000.
- UNIT ELIGIBILITY WILL BE BASED ON LATEST REVISED BUSINESS ASSESSMENT ROLLS.
- LOANS TRANSFERABLE TO NEW OWNER PROVIDING NEW OWNER MEETS AND AGREES TO TERMS AND CONDITIONS OF LOAN.
- THE OWNER WILL OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR FACADE IMPROVEMENTS WANTED BY OWNER. (THE BUILDING DEPARTMENT WILL APPROVE THE ESTIMATES BASED ON THEIR INSPECTION). A FULL REPORT WILL BE PREPARED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT INCORPORATING OUR RECOMMENDATIONS AND THE BUILDING DEPARTMENT'S. THESE, WITH THE APPLICATION, WILL THEN BE FORWARDED TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL FOR APPROVAL.
- PROPERTY TAXES MUST BE CURRENT, INCLUDING B.I.A. LEVY.
- THE OWNER WILL OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR FACADE IMPROVEMENTS WANTED BY OWNER. (THE BUILDING DEPARTMENT WILL APPROVED THE ESTIMATES BASED ON THEIR INSPECTION.) THE B.I.A. BOARD OF MANAGEMENT WILL REVIEW THE FACADE IMPROVEMENTS AND BE REQUESTED TO SUBMIT A LETTER SUPPORTING OR REJECTING PROPOSAL. A FULL REPORT WILL BE PREPARED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT INCORPORATING OUR RECOMMENDATIONS, THE BUILDING DEPARTMENT'S, THE PLANNING AND DEVELOPMENT DEPARTMENT'S AND THE B.I.A.'S. THESE, WITH THE APPLICATION, WILL THEN BE FORWARDED TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL FOR APPROVAL.
- ONLY COMPLETED WORK WHICH HAS BEEN INSPECTED WILL BE PAID FOR.
- EXTERIOR REHABILITATION WORK WILL, IF AT ALL POSSIBLE, BE DONE FIRST BEFORE FACADE IMPROVEMENT.

COMMERCIAL IMPROVEMENT PROGRAMME

In 1986, the Department of Community Development recommended to City Council the Commercial Improvement Programme. This Programme was established to address streetscape improvements to municipally owned lands within Business Improvement Area boundaries.

Over the five year period a total of \$2.5 million was set aside for the entire Programme. Some items which have already been addressed under the Programme are banners, brick pavers, concrete bollards, a drinking fountain, hanging flower baskets and benches.



F O R A C T I O N

7.

REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1989 September 21
DEPT FILE: S.L.L. #18

SUBJECT

Second Level Lodging Home Programme

RECOMMENDATION

That a rehabilitation loan in the amount of \$50,000. be approved for Veronica & Leonard Dunbar for a Second Level Lodging Home at 178 John Street North in Hamilton.

NOTE: This loan was previously approved on 1988 April 12 however, the property was sold and the loan payments are being assumed by the new owner.

E. Kowalski

BACKGROUND

The Department of Community Development in a report dated 1988 March 24, recommended and received approval to process a loan under the Second Level Lodging Home Programme for Mrs. Daley in the amount of \$50,000. The work was subsequently completed and payment issued. The Department however, has been advised that the property is sold and the new owners, Mr. & Mrs. Dunbar, are assuming the loan commitment under this Programme.

In order for the City to secure the loan, we require Committee and Council approval to register a new lien in the name of the new owners. The previous terms and conditions have been accepted by the owners, and the loan is at 3% interest amortized over ten years with a monthly payment of \$482.80.

c.c. R. Camani, Treasury Department

9.

F O R A C T I O N

REPORT TO: MRS. S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
 COMMISSIONER OF ENGINEERING

DATE: 1989 August 31
COMM FILE:
DEPT FILE: S712-25

SUBJECT

"LILLIAN HEIGHTS - PHASE 2", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

SEP 7 1989

RECOMMENDATION

That the City of Hamilton accept the sum of \$119,370.00 as cash payment in lieu of 5% dedication in connection with "Lillian Heights - Phase 2", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

G. S. Spencer
Commissioner of Engineering

FINANCIAL CONSIDERATIONS

N/A

BACKGROUND

The owner of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with the normal City procedures, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication.

The sum to be included in the Subdivision Agreement has been calculated to be \$119,370.00.

Note: These lands are located west of Grayrocks Avenue and south of Rymal Road in the Broughton East Neighbourhood, Hamilton.

DA
ra DVC:bl
Attach.

cc: D.J. Consoli, City Treasury Department
cc: L. Farr, City Solicitor's Office

FOR ACTION

11.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 SEPTEMBER 11
COMM FILE: SA-89-10
DEPT FILES: 25 CDM-89012

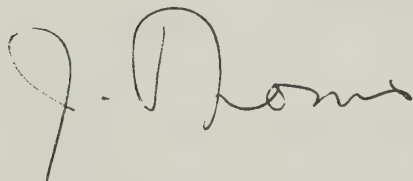
SUBJECT

Proposed Draft Plan of Condominium "Char-Fill Building"

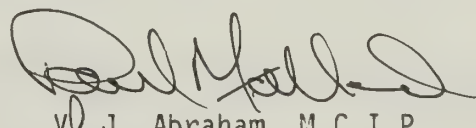
RECOMMENDATION

That approval be given for application SA-89-10, "Char-Fill Building", Filippo Ferrone, owner, to establish a draft plan of condominium located on the north side of Bigwin Road, west off Pritchard Road, subject to the following conditions:

1. That this approval apply to the plan prepared by Ashenhurst Nouwens Ltd. dated May 2, 1989.
2. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director
Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Fillipo Ferrone, Stoney Creek, Ontario

Agent

Ashenhurst Nouwens Ltd. Hamilton, Ontario

Surveyor

J.P. Nouwens, Hamilton, Ontario

Location

The lands, comprising 0.292 há, are located at the north side of Bigwin Road, west of Pritchard Road in the North Hannon Neighbourhood, City of Hamilton.

Proposal

The owner is in the process of constructing an industrial building containing six units.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial-Business Park" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Neighbourhood Plan - the lands are designated "Restricted Industrial". The proposal complies.

Zoning - the lands are zoned "M-14" (Prestige Industrial) District to permit the proposed use. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore the regulations do not apply.

COMMENTS FROM CIRCULATION

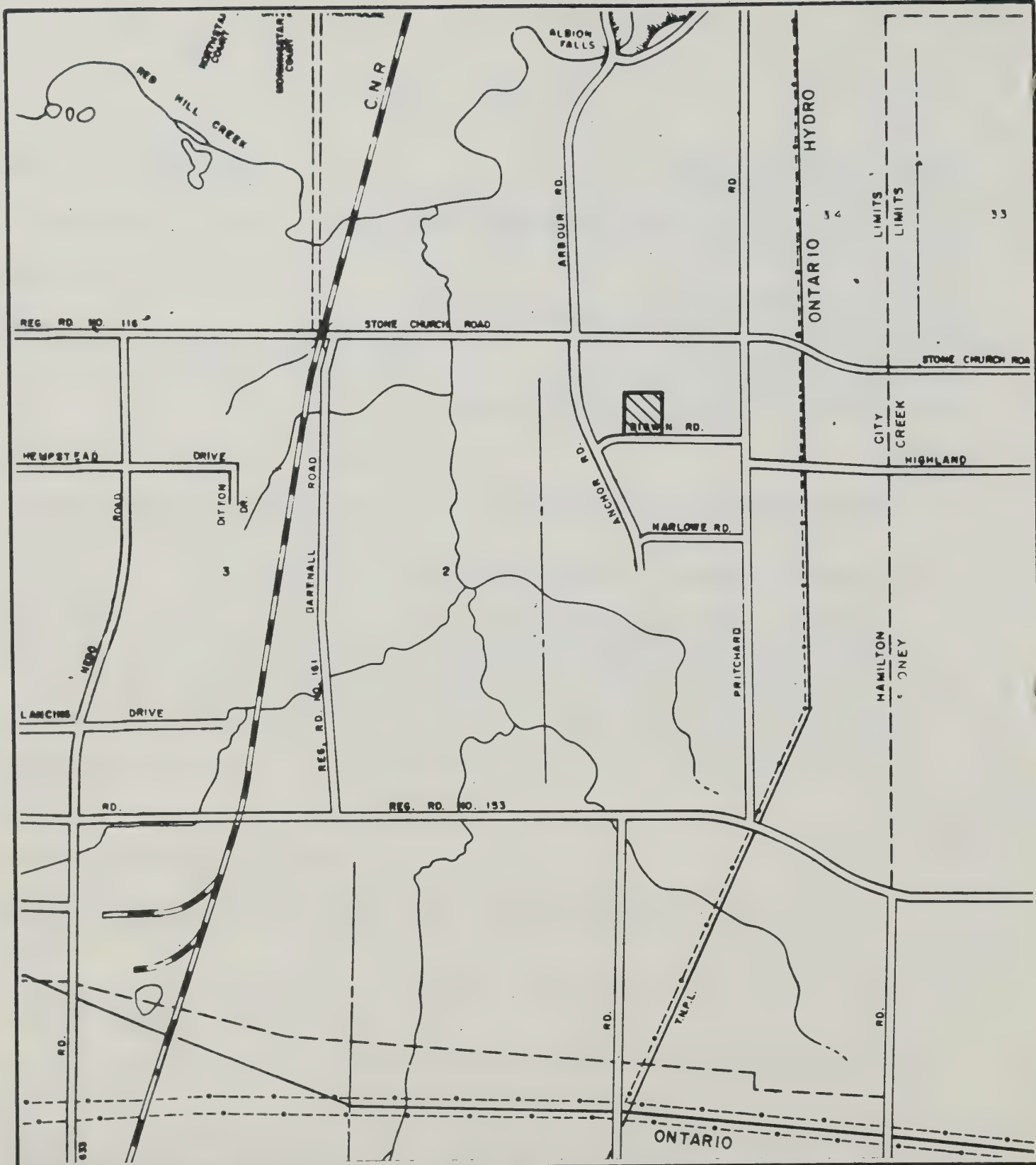
The following agencies have advised that they have no comment or objection toward the development:

Ministry of Transportation;
Hamilton Region Conservation Authority;
City Traffic Department;
City Building Department;
Union Gas, Bell Canada Ontario Hydro;
Hamilton-Wentworth Department of Engineering.

COMMENTS

- 1 The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The land of the proposed draft plan is Lot 10 of Registered Plan M-246 as approved by Regional Council.
4. The owner received approval of a Site Plan under DA-88-95 which was approved on October 23, 1988. The draft plan of condominium conforms with the approved plan of DA-88-95.

JLS:sw
0239P



Location Plan For

CHAR-FILL BUILDING

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North

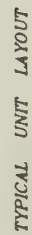


Scale
NOT TO SCALE

Date
MAY 18, 1989

Reference File No.
25CDM-89012

Drawing No.



12.

FOR ACTION

REPORT TO: SUSAN K. REEDER SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT


DATE: 1989 SEPTEMBER 20
COMM FILE:
DEPT FILES: D.6.2/415

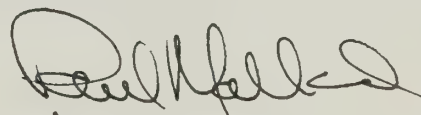
SUBJECT

Proposed renaming of a part of Cannon Street West from Bay Street westerly to the intersection with York Boulevard and Queen Street North.

RECOMMENDATION

That the Planning and Development Department be requested to solicit comments from owners of properties located on Cannon Street West, on that portion between Bay Street North and the intersection of York Boulevard and Queen Street North, respecting a requested street renaming to "Cannon Boulevard".


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development


J.J. Abraham, M.C.I.P.
Director
Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Alderman McCulloch forwarded a request from Mr. J. Bethune to change the name of Cannon Street West, west of Bay Street, to Cannon Boulevard.

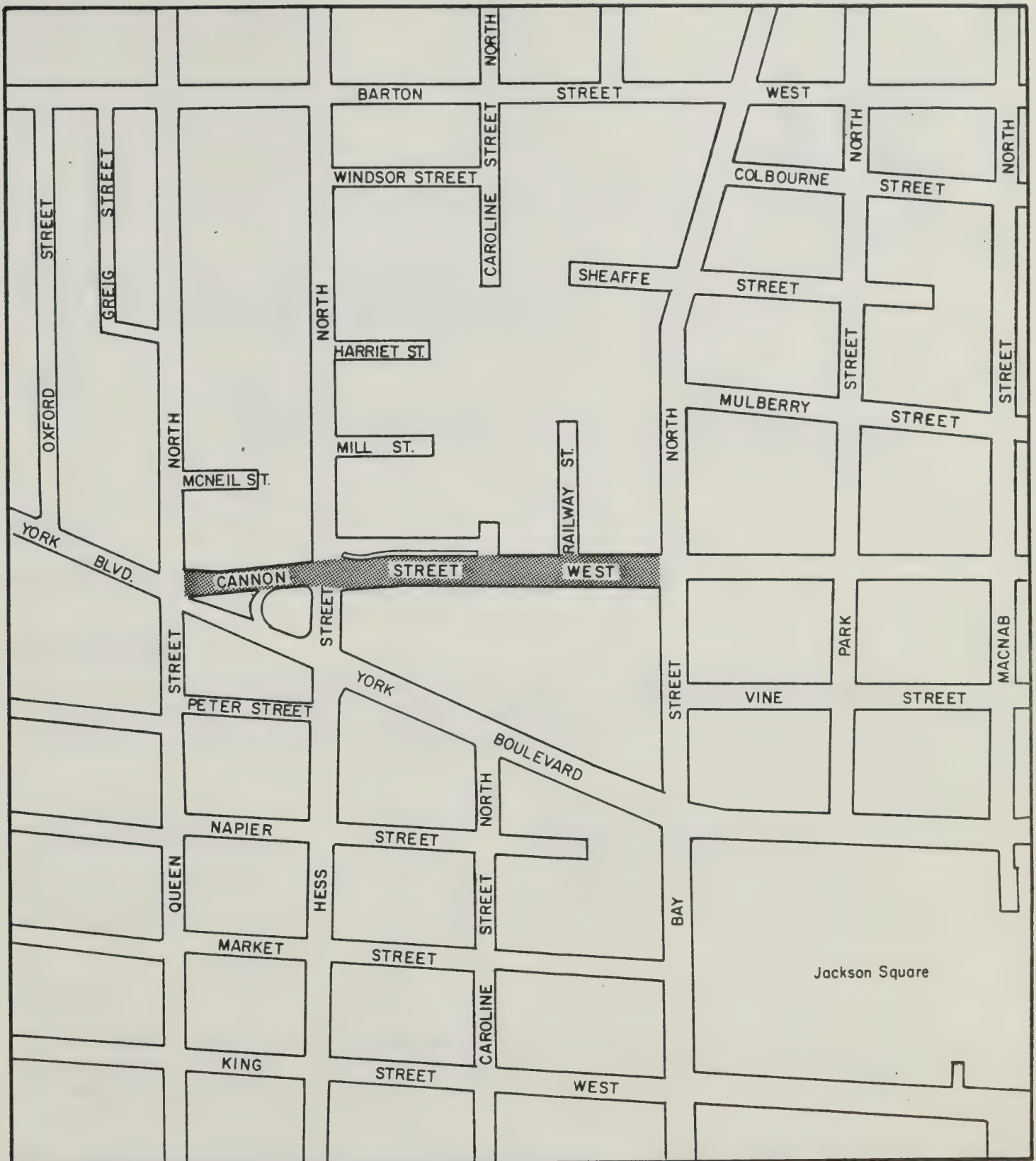
LOCATION

Cannon Street West generally extends in a westerly direction between James Street North, (the central street dividing streets into East or West section of streets), and terminates at the intersection of York Boulevard and Queen Street North. The portion of Cannon Street West proposed to be renamed is located west of Bay Street in the Central Neighbourhood.

COMMENTS

1. It is noted that there are a number of Commercial, Residential properties as well as Sir John A. McDonald Secondary School located on the section of Cannon Street proposed for a change of street name.
2. A count of property owners on both sides of Cannon Street, proposed for a change of name indicated that about 26 properties are located on this street.
3. Prior to any implementation of the request by Mr. J. Bethune, it would be appropriate to advise the owners on this portion of Cannon Street West of the proposal and to ask for their comments.

JLS:sw
WP0239



Location Plan For

CANNON STREET WEST

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Proposed Street Name Change
From: "Cannon Street West"
To "Cannon Boulevard."

North



Scale
N.T.S.

Reference File No.
415

Date
SEPT. 13, 1989

Drawing No.

FOR ACTION

13.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

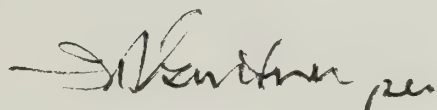
DATE: 1989 SEP 19
COMM FILE:
DEPT FILES: SA-88-21
25T-88035

SUBJECT

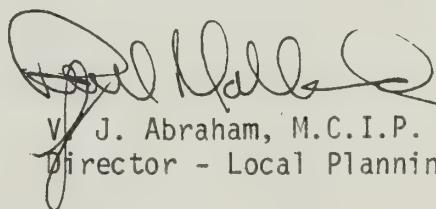
Proposed Draft Plan of Subdivision, "Effort Gardens"

RECOMMENDATION

That the approval given to Subdivision Application SA-88-21 by City Council at its meeting held on June 27, 1989 be revised to show a reduced road width of 18.0m for the cul-de-sac on the draft approved plan.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

This proposed plan of subdivision was approved by City Council at its meeting held on June 27, 1989. The proposed draft plan was revised, as requested, by the Department of Engineering to show a 20.0m road width of the cul-de-sac (Appendix "A").

The applicant appeared at the subsequent meeting of the Regional Economic Development and Planning Committee meeting held on August 8, 1989 and requested that the road width of the cul-de-sac be changed to show a width of 18.0m.

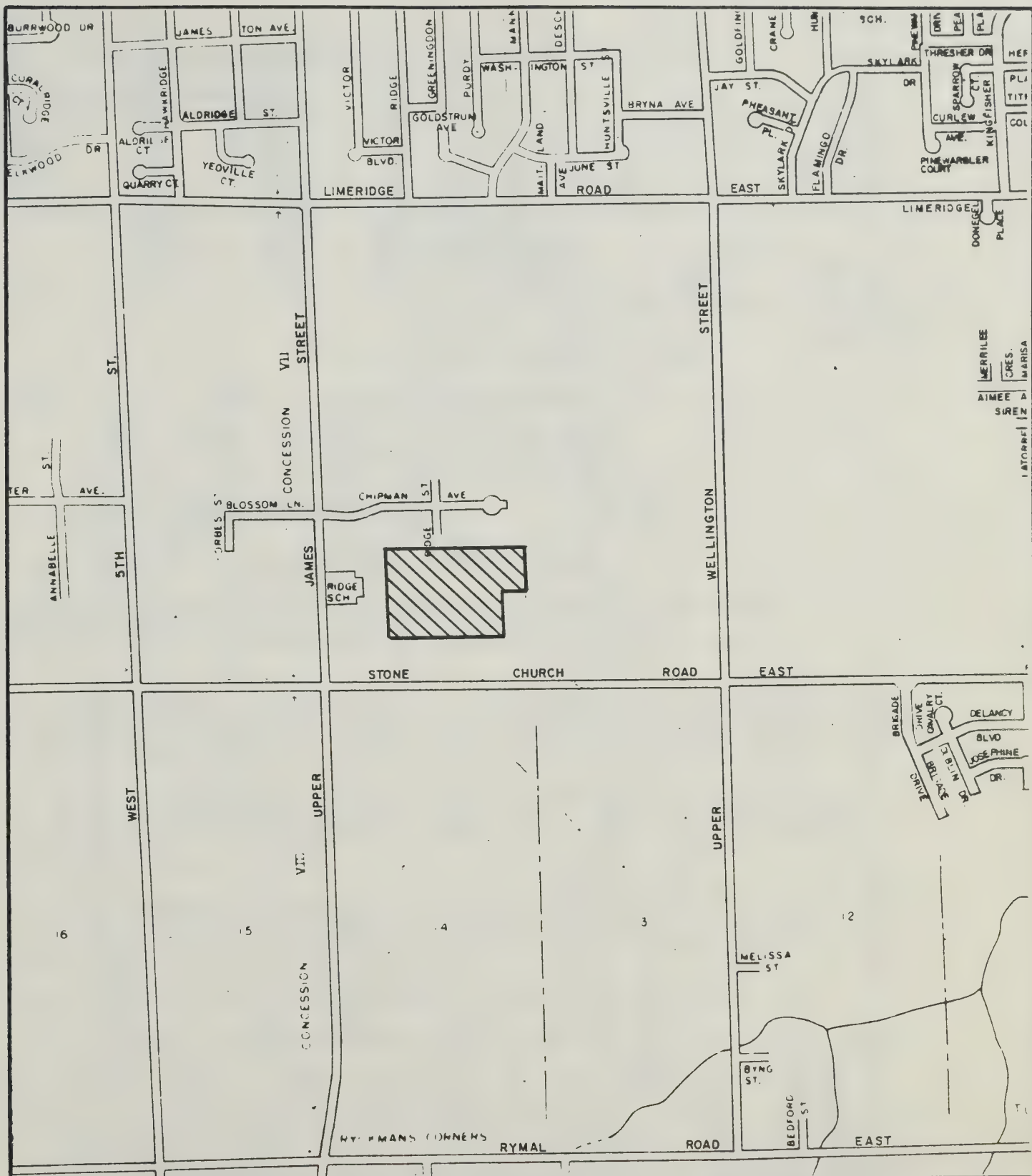
The Economic Development and Planning Committee approved the subdivision with a reduced road allowance for the cul-de-sac but made this decision subject to the City of Hamilton considering and approving the reduced road width.

The solicitor of the owner advised in a letter, dated September 19, 1989 that the owner is unable to alter the draft plan as this property is not owned by the applicant. In addition, there is a Land Titles application pending with respect to Effort Gardens (Appendix "B").

COMMENTS

Precedent exists for reduced road widths of 18.0m (see attached samples). Based on the previous draft approvals of 18.0m road width, the inability of the applicant to acquire additional lands at this time, and in the absence of a policy which may provide guidance for road width standards within subdivisions, opposition to the reduction of the road width for the cul-de-sac is not warranted.

JLS/jd
WP DOC 0239P



Location Plan For

EFFORT GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale
N. T. S.

Date
NOV. 2, 1988

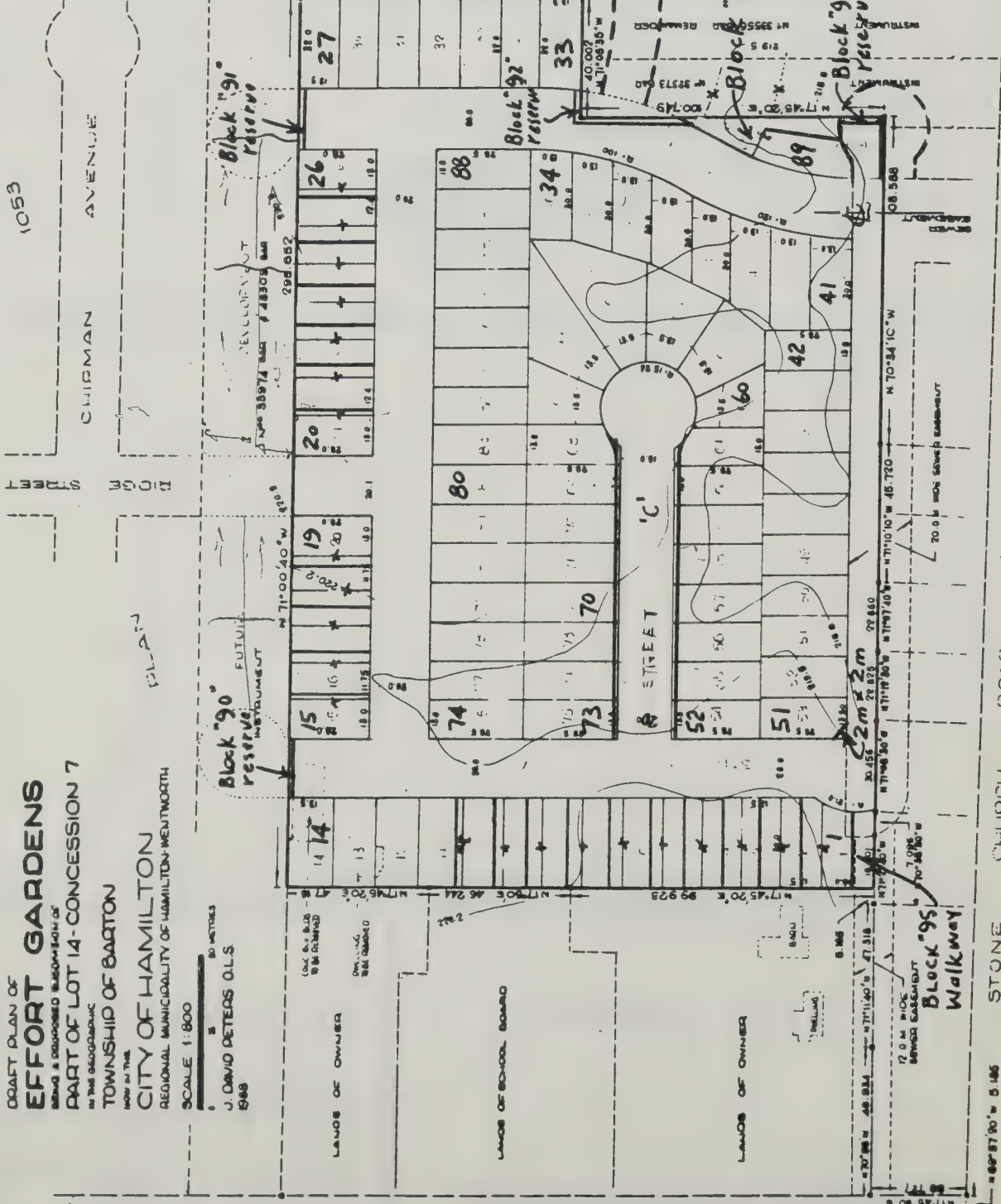
Reference File No.
25T-88035

Drawing No.

COAST PLAN OF
EFFORT GARDENS
 PART OF LOT 14 - CONCESSION 7
 IN THE GEOGRAPHIC
 TOWNSHIP OF BARTON
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-MEYMOUTH

SCALE 1:800

J. DAVID DETERS O.L.S.
 1988



KEY PLAN - SCALE 1:2000

- SCHEDULE RE SECTION 50 (2)
 THE PLANNING ACT - R.S.O. 1983
- a) SHOWN
 - b) SHOWN
 - c) SHOWN
 - d) SHOWN
 - e) SHOWN
 - f) SHOWN
 - g) SHOWN
 - h) SHOWN
 - i) SHOWN
 - j) SHOWN
 - k) SHOWN
 - l) SHOWN

OWNER'S CERTIFICATE
 I HEREBY AUTHORIZE MACKAY MACKAY
 (DETERRS TO SIGN) THIS PLAN FOR
 APPROVAL.

MACKAY

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARIES OF
 THE LANDS TO BE SUBDIVIDED AND THEIR
 RESPECTIVE AREAS HAVE BEEN MEASURED
 ACCURATELY AND CORRECTLY SHOWN.

J. DAVID DETERS O.L.S.

LEGEND

BOUNDARIES ARE ATTESTATIONS AND ARE ORDERED
 TO BE SUBMITTED TO THE SURVEYOR GENERAL
 TO BE RECORDED AND SHOWN ON PLAN 365 MISC AS
 N 17° 45' 20" E

Mackay, Mackay & Peters
 LIMITED

SUITE 205 UNION GAS BUILDING
 30 HURON STREET SOUTH
 HAMMONT, ONTARIO L8N 2A1

REVISED APRIL 7, 1989

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

ID#0227(79)

June 8, 1989

TO: J. Schwarz, Planning Department

FROM: K. A. Brenner, Engineering Department

RE: Revised Draft Plan of Subdivision for "Effort Gardens"
Part of Lot 14, Concession 7, Hamilton

REGIONAL PLANNING DEPARTMENT			
SUBDIVISION CONDOMINIUM ADMINISTRATION SECTION		Refer to File No.	S705-26
FILE NO.	25T-88035(Rev)	Attention of	C.A. Unelli
DATE RECEIVED		Your File No.	25T-88035
JUN 12 1989		(Revised)	
TO:	INT.	ACT.	INFO.
DIRECTOR/ DIV. HEAD			
MANAGER	JCS		
STAFF			

We have the following comments and recommendations in addition to our previous letter of January 5, 1989, regarding the Revised draft plan of subdivision included with your letter of April 17, 1989.

1. It is recommended that a 2m x 2m daylighting triangle be established at the corner of Lot 53 and all other L-shaped intersections.
2. It is recommended that the centreline of Street 'A' align with the centreline of the sewer easement to ensure a smooth transition from a three lane to a two lane cross-section.
3. Street 'A' must be established to its full width of 20m.
4. The location of Street 'B' as shown on the plan has apparently been relocated and the cul-de-sac at the easterly section of Street 'A' at the sewer easement has been deleted. These changes in the road pattern within this horizontal reverse curve has resulted in very marginal sight distances assuming the entire road allowance area is clear of visibility obstructions. The submitted plan as such is unsatisfactory. Should these intersections be left at that location, we recommend that the centreline radii of these curves be increased to provide a minimum sight distance of 90m.

For your information:

1. The development can be serviced for water from either Stone Church Road or Chipman Avenue.

CAU:clc
K.A. Brenner



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

REGIONAL PLANNING BRANCH

SUBDIVISION CONDOMINIUM
ADMINISTRATION SECTION

FILE NO. 25T-88035

DATE RECEIVED JAN 10 1989

TO: INT. ACT. INFO.

DIRECTOR/
DIV. HEAD

MANAGER

STAFF

Refer to File No. 705-26
Attention of C.A. Unelli
Your File No. 25T-88035

I.D.#0243D(48)

January 5, 1989

TO: J. Schwarz, Planning Department

FROM: K.A. Brenner, Engineering Department

RE: Draft Plan of Subdivision for "Effort Gardens", Part of
Lot 14, Concession 7, Hamilton

We have the following comments and recommendations regarding the proposed draft plan of subdivision included with your letter of October 28, 1988.

1. It is recommended that Street "C" be established to a width of 20m.
2. The cul-de-sac bulb on Street "C" should have a 15m Radius with 9m Radii transitions into the bulb. (See attached plan)
3. 2m x 2m daylight triangles are required at all L-shaped roadways, specifically at Lots 53, 76 and 90. (See attached plan)
4. It is recommended that the centre line of street "A" line up with the centre line of part 12 of 62R-8726, being the future 26m road to Stone Church Road.
5. The owner acquire and include the necessary lands to establish street "A" with a 0.3m reserve in front of Lots 47 to 53 or the lands may be conveyed to the City and opened By-law.
6. The future street between Lots 20 and 21 should align centreline to centreline with Ridge Street.
7. The centreline radius of Street "A" from Lot 43 northerly, as revised, is not to exceed 110m. A tangent between reverse curves should be considered if possible.
8. The Street coming in from the east should not have a centreline radius of less than 110m.

Cont'd...

WEISZ, ROCCHI & SCHOLES

BARRISTERS & SOLICITORS

THOMAS J. WEISZ, B.A., LL.B., LL.M.
THOMAS J. ROCCHI, B.A., LL.B.
MARK A. SCHOLES, B.A., LL.B.
DAVID W. HOWELL, B.A., LL.B.
GERALD I. ASA, B.A., M.B.A., LL.B.

TELEPHONE (416) 523-1842
FAX (416) 528-9254
THE EFFORT TRUST BUILDING
SUITE TWO HUNDRED
242 MAIN STREET EAST
HAMILTON, CANADA
L8N 1H5

September 14, 1989

The Regional Municipality
of Hamilton-Wentworth
Planning Department
119 King Street West
Hamilton, Ontario
L8P 4T9

Attention: Joachim Schwarz

Gentlemen:

Re: Effort Gardens
Draft Plan of Subdivision

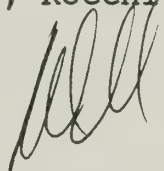
REGIONAL PLANNING BRANCH			
SUBDIVISION CONDOMINIUM ADMINISTRATION SECTION			
FILE NO. <u>25T-88035.</u>			
DATE RECEIVED <u>SEP 19 1989</u>			
TO:	INT.	ACT.	INFO.
DIRECTOR/ D.V. HEAD			
MANAGER	<u>TJS</u>	<u>AKH</u>	
STAFF		<u>AKH</u>	

On behalf of our client, Hampshire Properties Inc. the Developer of the above noted property, we wish to advise that our client is unable to alter its draft plan to use a portion of the property located immediately to the north thereof, as this neighbouring property is not owned by our client at the present time. In addition, there is a Land Titles Application pending with respect to the Effort Gardens subdivision, but not for the adjoining property.

Under the circumstances, as there is no other alternative, we ask your assistance in permitting Street "C" to remain at a width of 18 metres.

Yours very truly,

WEISZ, ROCCHI & SCHOLES

Per: 

Mark A. Scholes

MAS/gr
c.c. Hampshire Properties Inc.
Urbex Management Inc.

14.

F O R A C T I O N

REPORT TO: ALDERMAN JOHN SMITH, CHAIRMAN
AND ALDERMAN MARY KISS
WARD ALDERMAN OF THE
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Sept. 20, 1989
COMM FILE
DEPT FILE DA-89-67
Ainslie
Wood West
Neighbourhood
(ZA-87-83)

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

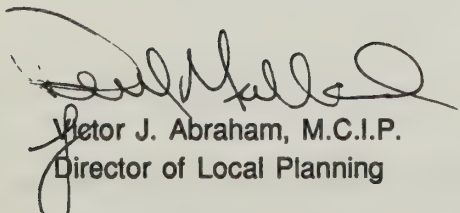
SUBJECT

Site Plan Control Application DA-89-67 for a 158 unit condominium residential development at 1884 Main Street West.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-89-67 by McClure Community Homes Inc., owners of lands known as 1884 Main Street West for a 158 unit condominium residential development subject to the following:

- i) modification to the plans in relation to notes, dimensions, and limit of work fence, as marked in red on the plans;
- ii) submission of revised vegetation plan for the earth work area and storm drainage plan to the satisfaction of the Hamilton Region Conservation Authority; and,
- iii) provision of a note on the plan that the height of the building and the parking area may be adjusted upon approval by the the Committee of Adjustment for the following variances:
 - 1) one of the two buildings will have a height of 9 storeys instead of 8 storeys;
 - 2) surface parking spaces will have a raised portion providing a wheel stop and overhang within the 6.0 m parking space.


Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:
Alderman John Smith
Chairman

Alderman Mary Kiss
Ward Alderman

BACKGROUND

Plans have been submitted for a 158 unit condominium apartment development at 1884 Main Street West. The development consists of two (2), eight storey towers: Building "A", with a gross floor area of 4,471 m², containing 57 units and Building "B", with a gross floor area of 8,167 m², containing 101 units. The towers will be constructed of poured concrete and architectural concrete block. They will be connected by an underground parking facility which provides 156 parking spaces for the development. An additional forty-three (43) parking spaces will be provided at grade, providing a total of 199 parking spaces for the entire development. A landscape treatment has been proposed for the open space areas surrounding the buildings as well as for the slope adjacent to Conservation Authority lands.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has reviewed the grading plan and have found it to be satisfactory.

The Building Department has reviewed the revised site plan and have found it to be satisfactory.

The Traffic Department has reviewed the revised site plan and have found it to be satisfactory.

The Hamilton Conservation Authority has reviewed the plans submitted and has found them to be satisfactory subject to the following:

- 1) Provision of vegetation plan for the earth work zone;
- 2) Provision of a limit of work fence on the grading plan, at the toe of the earth work zone;
- 3) Provision of a storm drainage plan with engineering details for a sewer outfall at the ravine. This plan should include an energy dissipator at the storm outlet.
- 4) Relocation of the retaining wall at the crest 0.12 m west, and a survey definition of this line to the site plan.

Thus, revised plans should be submitted to the satisfaction of the Hamilton Region Conservation Authority.

COMMENTS

Various modifications are required to the plan in relation to notes and dimensions and have been marked in red on the plans.

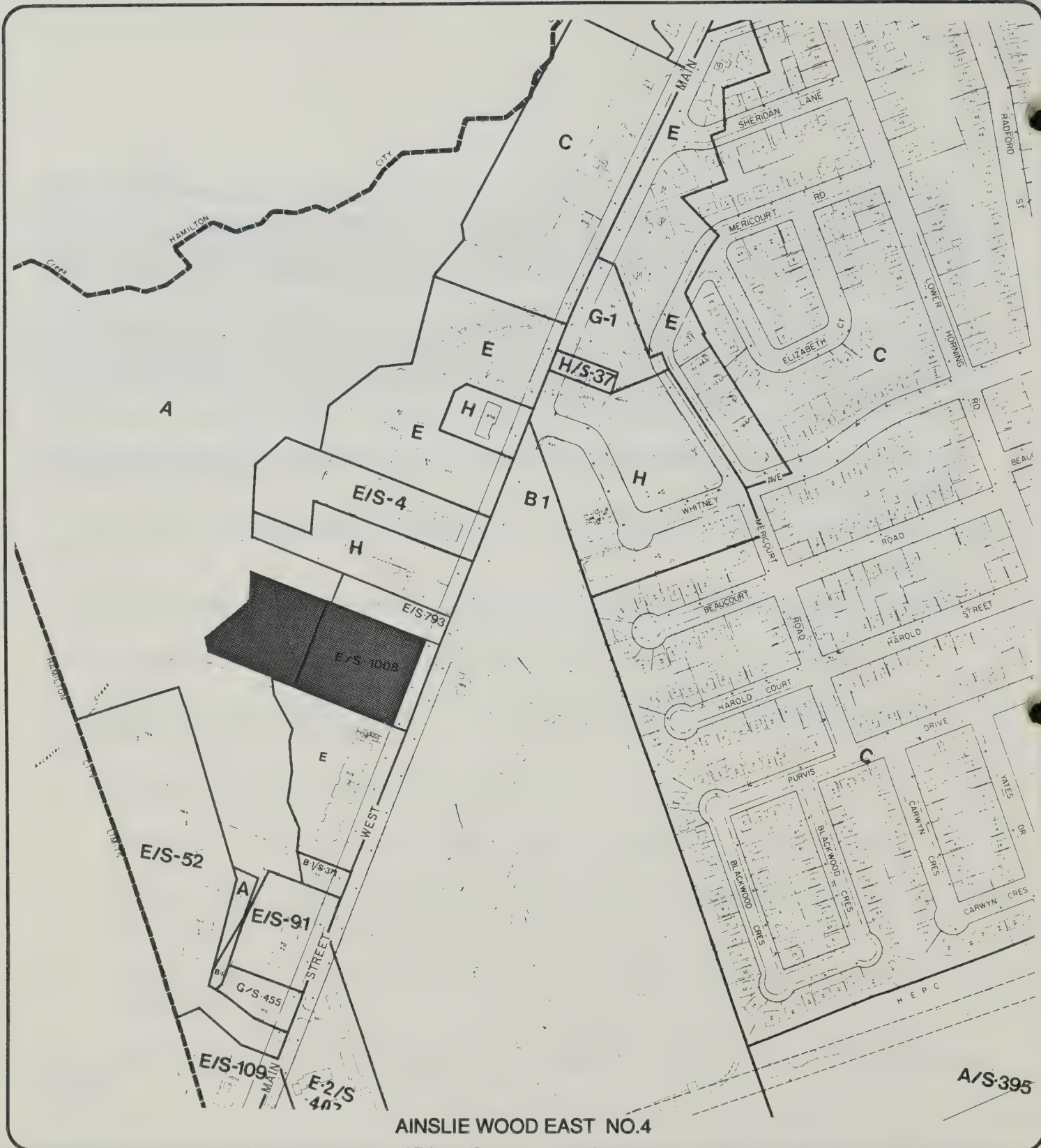
The applicant has indicated that they will require a variance to permit 9 storeys instead of the permitted 8 storeys for Building "B", and the surface parking spaces will have a portion raised within the 6.0 m parking space length.

The variance to increase the height of Building "B" at the south-west corner is required due to the nature of the existing grades at the rear of the site, and grades of the adjacent site which will expose a portion of the lower level of the proposed building. According to by-law regulations the height of a building must be measured from the lowest grade level, thus resulting in an extra storey from the rear of the project.

The variance to allow a portion of the surface parking spaces to be raised is necessary because Canada Mortgage and Housing Corporation has specific design requirements related to parking spaces which must be adhered to in order to receive funding. This parking space design intergrates the wheel stops within the 6.0 m length, as shown on the plans.

Since the above-mentioned variances are site specific and design related they are considered minor in nature, and can be supported.

JL/ma:ns
DA8967



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-89-67

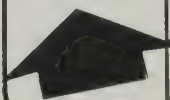
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
1:5000

Date
July 1989

Reference File No.
DA-89-67

Drawn By
F.V.

FOR ACTION

15.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 SEP 19
COMM FILE:
DEPT FILES: SA-89-06
25T-89006
ZA-89-32

SUBJECT

Proposed Draft Plan of Subdivision "Harbottle Estate"
Proposed Rezoning Application

RECOMMENDATION

1. Subdivision Application

- a) That approval be given to Application SA-89-06, L. Harbottle, owner, to establish a draft plan of subdivision north of Stone Church Road West and west of Chesley Street, subject to the following conditions:
1. That this approval apply to the plan prepared by E. Barich dated March 10, 1989 revised by adding part of a bulb at the easterly corner of street "A" and by deleting the lands of Lot 25, R. P. 947.
 2. That the street be dedicated as a public highway on the final plan.
 3. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 6. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 8. That Block "22", the 0.3m reserve be conveyed to the City of Hamilton.
 9. That Blocks "17" to "21" inclusive be developed only in conjunction with adjacent lands.
 10. That Street "A" be established and align with the corresponding street on the draft approved plan of "Orchard Park Estates" (25T-88003).
 11. That the plan not be registered prior to the acquisition by the owner of the northerly 20.0m of Lot 25, R.P. 947 or the establishment of the road by by-law as a public road.
 12. That Lots 1 to 6 inclusive not be registered until the storm and sanitary sewers are available.
 13. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 14. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-06), L. Harbottle, owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.

2. Rezoning Application

That approval be given to Zoning Application 89-32, 642388 Ontario Inc. L. S. Harbottle, owner, to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential etc) District to permit single-family residential development, for property located on the west side of Chesley Street in the area north of Stone Church Road, as shown on the attached map marked Appendix "A", on the following basis:

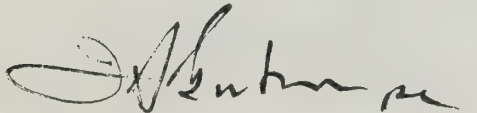
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

- ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9C and W-17C for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

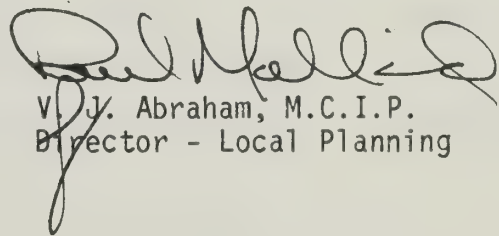
Explanatory Note

The purpose of the proposed By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located on the west side of Chesley Street in the area north of Stone Church Road, as shown on the attached map marked as Appendix "A".

The effect of the proposed change is to subdivide the subject land into building lots for single-family detached dwellings.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

L. S. Harbottle, Hamilton, Ontario

Surveyor

E. Barich, Hamilton, Ontario

Location

The lands, comprising 1.45 ha, are located north of Stone Church Road west and west of Chesley Street in the Gourley Neighbourhood, City of Hamilton.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant and school	"AA" (Agricultural) District
to the south	vacant and single-family residential	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the west	vacant	"AA" (Agricultural) District
to the east	single-family residential	"C" (Urban Protected Residential, etc.) District

Subdivision Proposal

The owner proposes to subdivide the lands into 16 lots, 6 blocks for development with adjacent lands and two blocks for 0.3m reserves.

Rezoning Proposal

The applicant requested the rezoning of the land affected from "AA" (Agricultural) District to "C" (Urban Protected Residential) District.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for "Single and Double" housing. The proposal complies.

Zoning - the lands are zoned "AA" (Agricultural) District. An amendment to the Zoning By-law is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

- o Ministry of Municipal Affairs;
- o Ministry of Transportation;
- o Ministry of the Environment;
- o Ministry of Natural Resources;
- o Ministry of Culture & Communications;
- o Hamilton Region Conservation Authority;
- o Union Gas, Bell Telephone, Ontario Hydro;
- o City of Hamilton Board of Education;
- o Hamilton-Wentworth Separate School Board;
- o City of Hamilton Traffic Department; and
- o City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

1. Street "A" on this plan must align with the corresponding street on the draft plan known as "Orchard Park Estates" (25T-88003).
2. The owner must enter into Subdivision Agreements with the Region and the City of Hamilton prior to the development of any portion of these lands.

For your information

1. The lots along Harbottle Court can be serviced to the existing storm and sanitary sewers on Chesley Street. The servicing of Lots 1 to 6 inclusive will have to await the installation of storm and sanitary sewers on Street "A" from the north-east to the north limit of the subdivision.
2. This development can be serviced for water from the existing watermain on Chesley Street.
3. There are some dimensional discrepancies between this plan and the draft plan for "Orchard Park Estates" (25T-88003). On the Orchard Park Estates plan, the centreline of Street "B" is 201.15m north of the original limits of Stone Church Road, but the addition of lot dimensions on the west side of this subdivision does not add up. In any event, the cul-de-sac should be established as per the neighbourhood plan.

4. The submitted draft plan as prepared by Edward Barich. O.L.S., and dated March 10, 1989 is satisfactory to the Department of Engineering subject to the above-noted comments and recommendations.

2. Rezoning Application

The following agencies have advised that they have no comment or objection toward the proposal:

- o Hamilton Region Conservation Authority;
- o Local Architectural Conservation Advisory Committee staff; and
- o Traffic Department.

The Building Department has advised that

- "1. Blocks "17", "18", "19", "20" and "21" do not meet the requirements of the "C" zoning district and no building permits will be issued for these blocks. Variances are required.
2. The "AA" zoning on building 208 Stone Church Road West should also be changed at this time. Otherwise it will be surrounded by "C" zoning.
3. Proper side yards and rear yards must be maintained for existing houses."

The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and separate storm and sanitary sewers will be available through appropriate Subdivision Agreement(s) with the City/Region.

All other matters will be dealt with through the above-mentioned agreements."

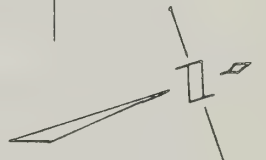
COMMENTS

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.
2. The conformity of the proposal with the Official Plans and the need for a zoning by-law amendment are noted.
3. It has been noted that the lands of the road, the 0.3m reserve (Block "24") and the lands of development with adjacent lands (Block "23") are owned by the City of Hamilton.
4. The plan was revised by showing a bulb at the easterly corner of proposed street "A", as also shown on the draft approved plan for "Orchard Park Estates", (25T-88003).

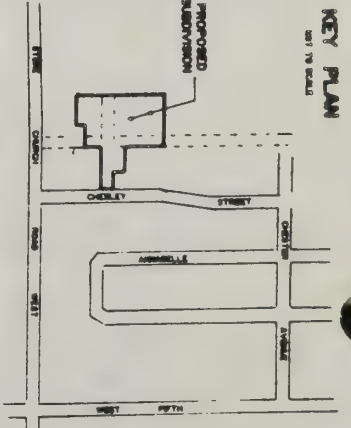
5. As no part of the subject lands are designated for park or recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement from this subdivision be taken as cash-in-lieu of land.
6. No agencies have raised any objection or made recommendations to be included as conditions for this proposed plan of subdivision.
7. The proposal has merit and can be supported for the following reasons:
 - o it implements the intent of both the Official Plan and the approved Gourley Neighbourhood Plan;
 - o it would be compatible with existing and future development in the area; and,
 - o the requested change in zoning is appropriate for the proposed development.

JLS/jd

RES



100



DAVEY PLANS OF SUBDIVISION OF LOT 25, & PART OF LOT 26, REGISTERED PLAN 947 PART OF THE ROAD ALLOWANCE BETWEEN LOTS 16, & 17 AND PART OF LOT 17, CONCESSION 7 TOWNSHIP OF BARTON

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE 1" = 300'
EDWARD BLANCH QLS
1963

DATE: 11/11/83
DISTANCE: 8 MILES ON T-90 PLAS ARE IN USE THE
AND CAN BE CONVERTED TO FELT BY DIVISION
BY 0 3048

NOTE
THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO
REVISION AND AMENDMENT

RE CHAPTER 349 RSO 1990 SECTION 50 (2)
THE PLANNING ACT

a	SPOON ON PLAIN	b	SPOON ON PLAIN
b	SPOON ON PLAIN	c	SPOON ON PLAIN
c	SPOON ON PLAIN	d	SPOON ON PLAIN
d	SPOON ON PLAIN	e	SPOON ON PLAIN
e	SPOON ON PLAIN	f	SPOON ON PLAIN
f	SPOON ON PLAIN	g	SPOON ON PLAIN
g	SPOON ON PLAIN	h	SPOON ON PLAIN
h	SPOON ON PLAIN	i	SPOON ON PLAIN
i	SPOON ON PLAIN	j	SPOON ON PLAIN
j	SPOON ON PLAIN	k	SPOON ON PLAIN
k	SPOON ON PLAIN	l	SPOON ON PLAIN
l	SPOON ON PLAIN	m	SPOON ON PLAIN
m	SPOON ON PLAIN	n	SPOON ON PLAIN
n	SPOON ON PLAIN	o	SPOON ON PLAIN
o	SPOON ON PLAIN	p	SPOON ON PLAIN
p	SPOON ON PLAIN	q	SPOON ON PLAIN
q	SPOON ON PLAIN	r	SPOON ON PLAIN
r	SPOON ON PLAIN	s	SPOON ON PLAIN
s	SPOON ON PLAIN	t	SPOON ON PLAIN
t	SPOON ON PLAIN	u	SPOON ON PLAIN
u	SPOON ON PLAIN	v	SPOON ON PLAIN
v	SPOON ON PLAIN	w	SPOON ON PLAIN
w	SPOON ON PLAIN	x	SPOON ON PLAIN
x	SPOON ON PLAIN	y	SPOON ON PLAIN
y	SPOON ON PLAIN	z	SPOON ON PLAIN
z	SPOON ON PLAIN		

SURVEYORS' CERTIFICATE

THE BOUNDARIES OF THE LANDS TO BE SURVEYED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

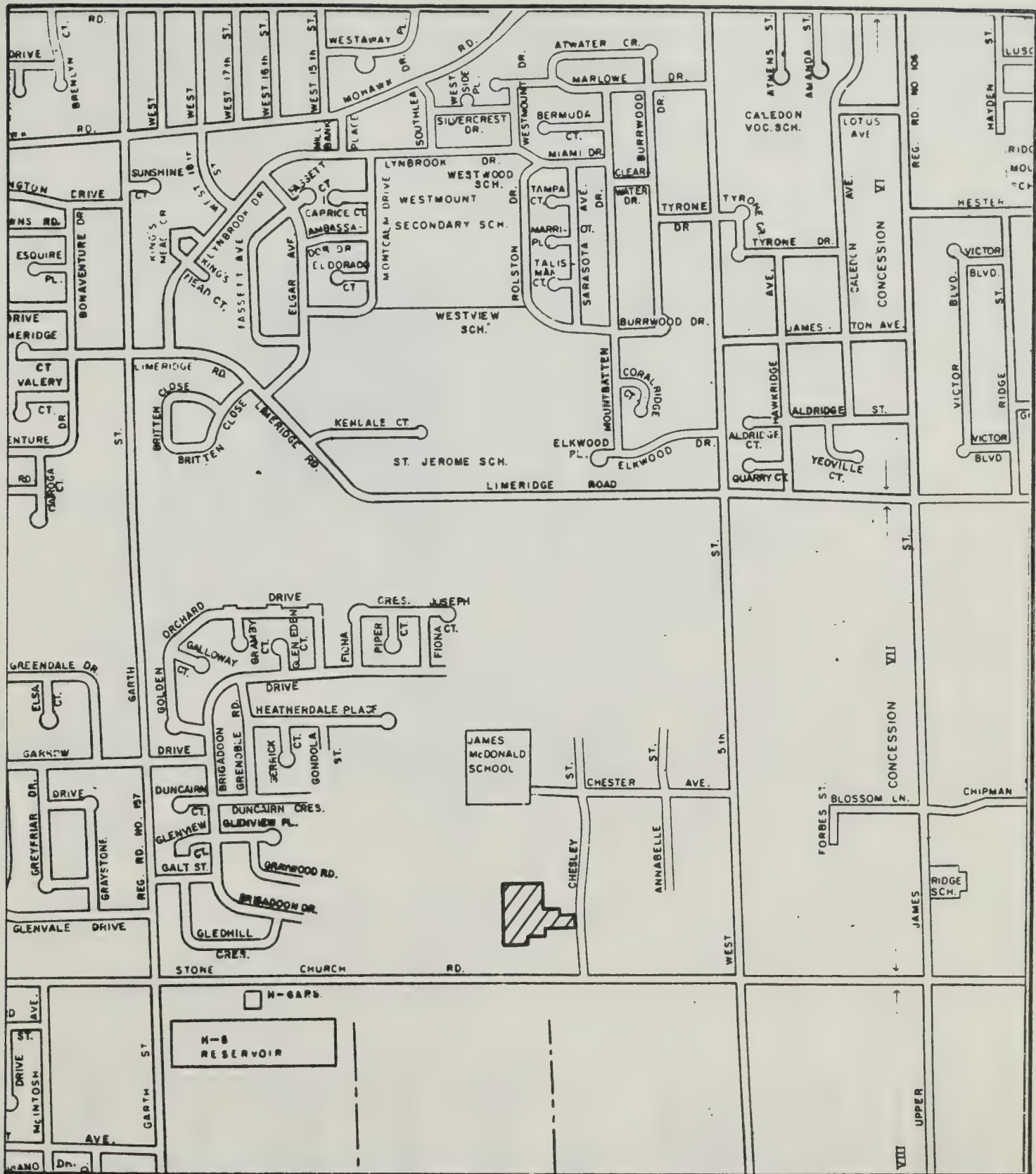
SECTION ID, PAGE
DATE
Edward Branch
EDWARD BRANCH CO. S

OWNERS' AUTHORIZATION :

WE, 643288 ONTARIO INC., BEING THE REGISTERED OWNERS OF THE SAID LAND HEREBY AUTHORIZE EDWARD GUERIN OF THE SAID CANTON TO PREPARE AND SIGN THE SAID PLAN OF SUBDIVISION TO THE REGISTRATION AUTHORITY OF MONTREAL FOR THE NECESSARY APPROVAL.

MAILED 10, 1968
DATE

EDWARD BARNH
ONTARIO LAND SURVEYOR
MILFORD 348-6642



Location Plan For

DRAFT PLAN OF SUBDIVISION OF
 LOT 25, & PART OF LOT 26, REGISTERED PLAN 947
 PART OF THE ROAD ALLOWANCE BETWEEN LOTS 16, & 17
 AND PART OF LOT 17, CONCESSION 7
 TOWNSHIP OF BARTON

NOW ALL IN THE

CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

N. T. S.

Date

APR. 13, 1989

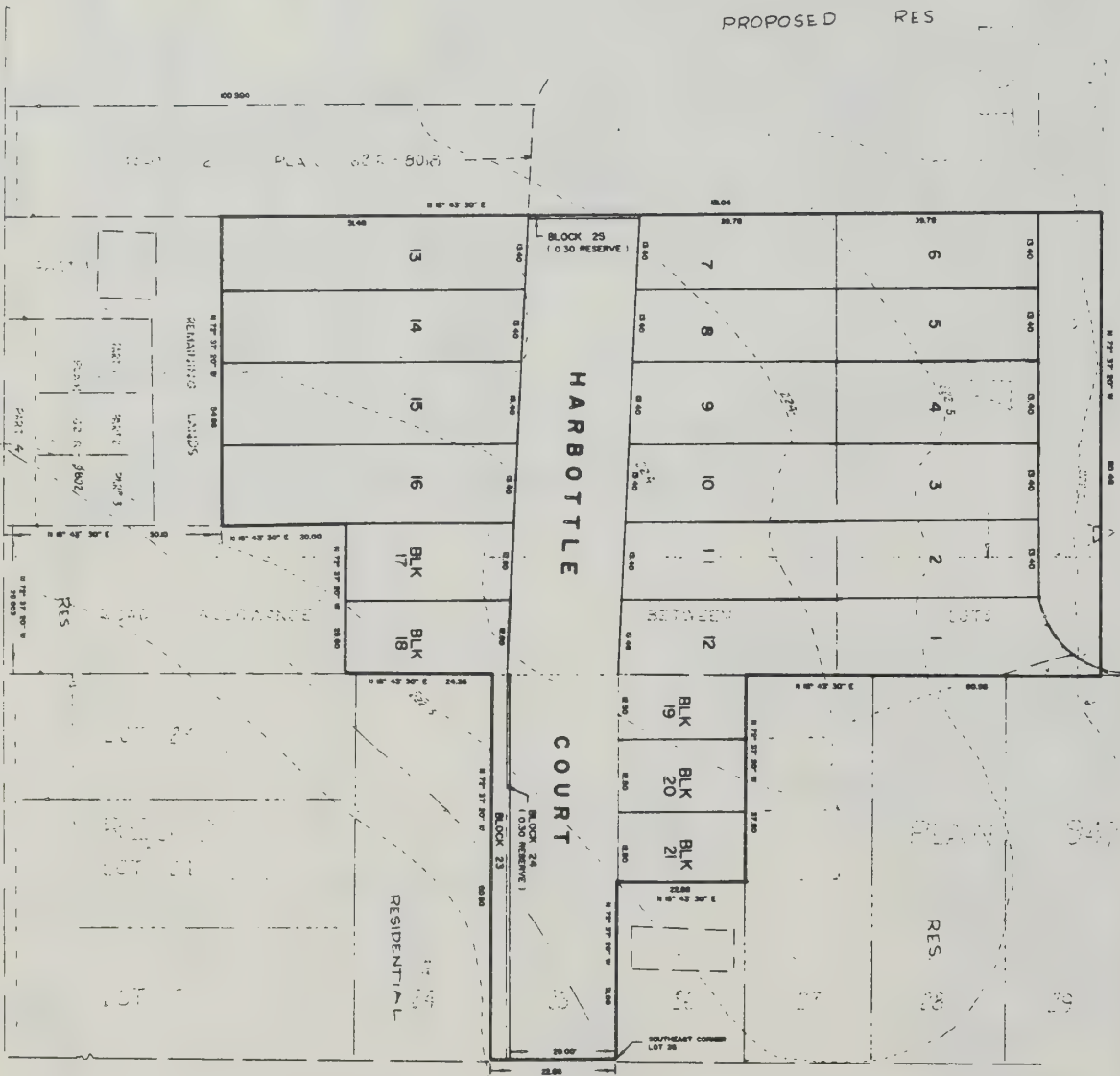
Reference File No.

25 T-89006

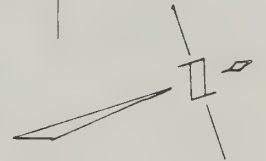
Drawing No.

PROPOSED RES

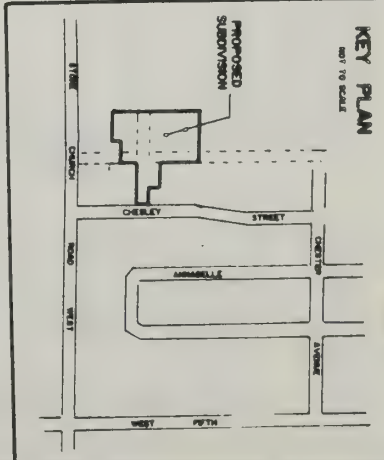
STONE CHURCH ROAD WEST



CHESLEY STREET



KEY PLAN
NOT TO SCALE



DRAFT PLAN OF SUBDIVISION OF
LOT 25, & PART OF LOT 26, REGISTERED PLAN 947
PART OF THE ROAD ALLOWANCE BETWEEN LOTS 16, & 17
AND PART OF LOT 17, CONCESSION 7
TOWNSHIP OF BARTON
NOW ALL IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WESTWORTH

SCALE 1:500
EDWARD BLANCH OLS

LETTER:

THIS PLAN IS A DRAFT PLAN AND IS SUBJECT TO
REVISION AND AMENDMENT
BY 0.3048

NOTE:

THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO
REVISION AND AMENDMENT

RE CHAPTER 349 RSO 1990 SECTION 50(12)
THE PLANNING ACT

- 1. SHOWN ON PLAN
- 2. SHOWN ON PLAN
- 3. SHOWN ON PLAN
- 4. SHOWN ON PLAN
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- 17. SHOWN ON PLAN
- 18. SHOWN ON PLAN
- 19. SHOWN ON PLAN
- 20. SHOWN ON PLAN
- 21. SHOWN ON PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN
ON THIS PLAN AND THE NEIGHBOURHOOD
LANDS ARE ACCURATELY AND CORRECTLY SHOWN
DATE: MARCH 10, 1989
EDWARD BLANCH OLS

OWNER'S AUTHORIZATION:

WE, EDWARD BLANCH INC. AS THE REGISTERED OWNERS
OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN
TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION
TO THE REGIONAL MUNICIPALITY OF HAMILTON - WESTWORTH FOR
FOR THEIR APPROVAL

DATE: MARCH 10, 1989
Edward Blanch

AA

C

AA

C

B-1/S-30

B

STONE CHURCH ROAD WEST

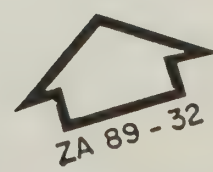
B

AA

Legend



Site of the Application



APPENDIX A

FOR ACTION

16.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: Sept. 21, 1989
COMM FILE:
DEPT FILE: ZA-89-29
Ainslie Wood North
Neighbourhood

SUBJECT

Request for a further modification to established zoning - property located east and adjacent to No. 1686 Main Street West.

RECOMMENDATION

That approval be given to Zoning Application 89-29, Canadian National Institute for the Blind, lessee, for a further modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations (Block "1"), and a modification to the established "A" (Conservation, Open Space, Park and Recreation) District (Block "2"), to permit the use of the subject lands for additional parking for staff and visitors in conjunction with the Institute for the Blind, for a strip of land east and adjacent to No. 1686 Main Street West, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section 7 of Zoning By-law No. 6593 applicable to Blocks "1" and "2", be modified to include the following variances as a special requirement;
 - a) That notwithstanding Section 7(1), the parking of motor vehicles shall be permitted, only in conjunction with the Canadian Institute for the Blind located on adjoining lands to the west at No. 1686 Main Street West;
 - b) That Sections 18A(11) and 18A(12) shall not apply;
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-46 be notated S- ;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-46 for presentation to City Council;

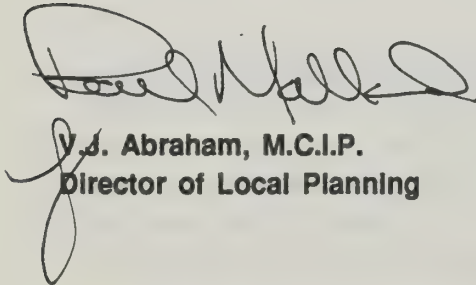
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

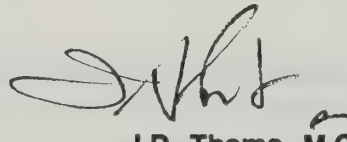
The purpose of this By-law is to provide for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations, applicable to Blocks "1" and "2", described as property located east and adjacent to No. 1686 Main Street West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a parking lot to be used only in conjunction with the Canadian National Institute For the Blind, located on adjoining lands to the west at No. 1686 Main Street West.

In addition, the By-law provides for a variance to exempt the parking lot from providing the required 1.5 m wide landscaped planting strip, and required 1.2 m high to 2.0 m high visual barrier along the boundary of the parking lot which abuts a residential district.



J.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

n/a.

BACKGROUND

The purpose of the application is to permit the use of the subject land for additional parking for staff and visitors in conjunction with the Institute for the Blind located on adjoining lands to the west. To this end, the applicant has negotiated a lease agreement with Ontario Hydro for the use of these lands.

APPLICANT

Canadian National Institute for the Blind, lessee.

LOT SIZE AND AREA

A rectangular-shaped parcel of land with no legal frontage and within the Ontario Hydro Power Line corridor north of Main Street West, having approximately:

- 6.0 m (20 ft.) of width;
- 91.44 m (300 ft.) of depth; and,
- 1,828.8 m² (6,000 sq. ft.) of lot area.

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant hydro power line corridor	"A" (Conservation, Open Space, Park and Recreation) District and "A" (Conservation, Open Space, Park and Recreation) District, modified
<u>Surrounding Lands</u>		
To the north	Vacant	"A" (Conservation, Open Space, Park and Recreation) District
To the south	Vacant lands and a shopping centre	"A" (Conservation, Open Space Park and Recreation) District and "H" (Community Shopping and Commercial, etc.) District, modified
To the east	Vacant hydro power line corridor	"A" (Conservation, Open Space, Park and Recreation) District
To the west	Canadian National Institute for the Blind	"B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN

Designated "UTILITIES" on Schedule "A" - Land Use Concept of the Official Plan and located adjacent to "HAZARD LANDS" on Schedule "C", the following policies, among others, would apply:

- "A.2.7.1 The primary uses permitted in the areas designated on Schedule "A" as UTILITIES will be for passenger terminals; freight handling facilities and related storage; railway,

warehousing and parking areas; electric power facilities, pipelines and natural gas lines; and major road facilities. Recognizing the difficulty of predicting the advent of new UTILITIES, only those facilities which are committed for development and/or are prioritized and where their location is known have been identified.

A.2.7.5 Notwithstanding the permitted uses in Policy 2.7.1 above, additional uses may be permitted on Ontario Hydro lands, where deemed by Council to be compatible with adjacent land uses, by agreement with Ontario Hydro, and subject to the preparation of a Neighbourhood Plan for the affected lands.

A.3.1.1 Certain areas within the City of Hamilton which form a part of the Open Space designation on Schedule "A" are recognized as having inherent environmental hazards such as flood and erosion susceptibility. These areas are only schematically shown as HAZARD LANDS on Schedule "C" to the Plan. Accordingly, it is intended that a proponent for redevelopment or development purposes abutting on, or within, HAZARD LANDS make reference to the "flood" and "fill-line" mapping approved by the appropriate Conservation Authority for precise delineation."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "UTILITIES" on the approved Ainslie Wood North Neighbourhood Plan, the proposal complies with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED

- The Building Department, Hamilton Region Conservation Authority, Hamilton-Wentworth Engineering Department and The Local Architectural Conservation Advisory Committee staff have no comments or objections.

- The Traffic Department has advised that:

"We find the proposed use satisfactory. However, we do recommend that the property be placed under site plan control to enable us to assess the parking layout and access."

- Ontario Hydro has advised that:

"During our negotiations with the Canadian Institute for the Blind regarding this proposal, we advised them in a piece of correspondence dated July 27, 1988, that we had no objection to the proposal, provided the following conditions were met:

- The applicant must ensure that all construction equipment working on the lands maintains a clearance of at least 15 feet to the nearest overhead transmission line conductor, up to and including 230 KV. Over 230 KV, a 20 foot clearance must be maintained.
- The applicant shall assume all liability and indemnify Ontario Hydro against all claims of any nature whatsoever.
- No lighting standards are to be erected on the lands without the prior approval of Ontario Hydro.
- Existing grade elevation is not to change plus or minus one foot.
- The licence area must be cleared and cordoned off by the Licensee, at his expense, within 24 hours when required.
- Concrete curbs or post and cable fence is required around the licence area.
- Drainage from the parking lot must be contained on the C.N.I.B. property."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Ainslie Wood North Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - the proposed parking lot will be used in conjunction with the Canadian National Institute for the Blind located on adjoining lands to the west at No. 1686 Main Street West;
 - the proposed parking lot represents additional parking not required for the Canadian National Institute for the Blind building at No. 1686 Main Street West;
 - the proposed parking lot will be located next to the established driveway and parking area of the Canadian Institute for the Blind and within the westerly portion of the Ontario Hydro power line, and therefore will not effect established development at this location.

4. Sections 18A(11) and (12) of Zoning By-law No. 6593 (The Parking and Loading Regulations) require a 1.5 m wide landscaping strip and a 1.2 m high to 2.0 m high visual barrier where a parking lot on the surface of a lot adjoins a residential district. In this case, the proposed parking lot will adjoin an "A" (Conservation, Open Space, Park and Recreation) District, which is defined as a residential district in the Zoning By-law, however, the "A" District does not permit any residential uses. The "A" District provides for open space type uses such as parks, utilities, etc. Technically, as the parking lot is within a hydro line corridor and does not abut any established residential development, Sections 18A(11) and (12) would serve no purpose and therefore should not apply.
5. For the information of the applicant, Section 18A, (The Parking and Loading Requirements of the Zoning By-law) require that a parking lot with five or more spaces on the surface of a lot be surfaced with a permanent, durable and dustless surface that is graded, drained, and paved with concrete or asphalt, or a combination of concrete and asphalt, which shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway. In addition, the surface of the parking lot must be marked delineating the separate parking spaces, and bumpers or wheel barriers installed to prevent physical encroachment beyond the parking area, except at the entrance and exit from the parking area.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW:CS/ma
ZA8929

17.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: SEPT. 21, 1989
COMM FILE:
DEPT FILE ZA-89-41
Templemead
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification to the established zoning - property located at No. 905 Rymal Road East.

RECOMMENDATION

That approval be given to Zoning Application 89-41, Landawn Shopping Centres, owner, for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit a shopping centre identification sign on property located at No. 905 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
- (1) That notwithstanding the provisions of Section 13.(1) of Zoning By-law No. 6593, shopping centre identification signs shall be permitted in accordance with Section 13A(1)(xii);
 - (2) That notwithstanding the provisions of Section 13.(3) of Zoning By-law 6593, any shopping centre identification sign shall be set back a minimum of 3.0 m from any street line;
 - (3) That any shopping centre identification sign shall be set back a minimum of 3.0 m from the nearest access driveway;
 - (4) That any shopping centre identification sign shall have a minimum clear height of 3.0 m from the ground to the bottom of the sign.

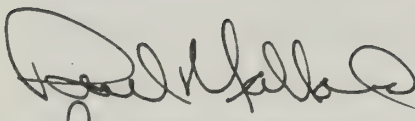
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-49D be notated S- ;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council;
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

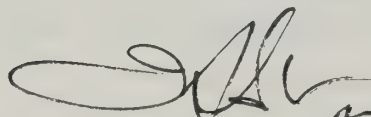
The purpose of the By-law is to provide for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations, applicable to property located at No. 905 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit shopping centre identification signs to be located on the site, subject to the following restrictions:

- any sign shall be located at a distance of not less than 3.0 m from a street line or access driveway; and
- any sign shall have a height of at least 3.0 m from the ground to the bottom of the sign.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

n/a.

BACKGROUND

- **Proposal**

It is the applicant's intention to amend the "G" (Neighbourhood Shopping Centre, etc.) District regulations to allow shopping centre identification signs to identify the shopping centre and businesses located within the complex. The proposed shopping centre identification sign will be located along the Rymal Road East frontage of the site and is shown on the attached map marked as APPENDIX "A".

- **Site Plan Control Application**

On October 21, 1988 the applicant submitted a Site Plan Control Application (DA-88-121) for a shopping centre identification sign on the subject property. As shopping centre identification signs are not a permitted use in a "G" District, the applicant was advised to submit a zoning application prior to proceeding with the site plan application.

- **Committee of Adjustment**

On November 10, 1988, the Committee of Adjustment considered minor variance application A-88-285 to permit the erection of a shopping centre identification sign for the shopping centre and businesses located within the shopping centre, notwithstanding that the use is not permitted within the "G" (Neighbourhood Shopping Centre, etc.) District.

The Planning Department's comments submitted with respect to the application recommended denial for the following reasons:

- a) the proposal constitutes a change in zoning rather than a variance to the by-law;
- b) the proposal is contrary to the intent and spirit of the by-law;
- c) the proposal is not considered to be minor in nature.

The Committee of Adjustment tabled the application at the request of the applicant in order to allow him to review it with the Planning and Development Department.

APPLICANT

Landawn Shopping Centres, owner.

LOT SIZE AND AREA

An irregular-shaped parcel of land having:

- 89.62 m (294.03 ft.) of lot frontage on Rymal Road East;
- 164.69 m (540.32 ft.) of lot flankage along Upper Gage Avenue; and,
- 1.842 ha (4.552 acres) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Shopping Centre	"G" (Neighbourhood Shopping Centre, etc.) District
<u>Surrounding Lands</u>		
To the north	Single-family dwelling lots	"D" (Urban Protected Residential - One- and Two-Family Dwellings, etc.) District, modified
To the south	Townhouses and a public garage	"RT-10" (Townhouses) District, modified, and "AA" (Agricultural) District
To the east	Gas bar and a hotel	"HH" (Restricted Community Shopping and Commercial) District
To the west	Single-family dwellings and a restaurant	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

OFFICIAL PLAN

Designated "COMMERCIAL", the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "COMMERCIAL" on the approved Templemead Neighbourhood Plan, the proposal complies with the intent of the approved plan.

COMMENTS RECEIVED

- The Building Department has advised that:

"The proposed ground sign should be limited to a business identification sign only and its size and location restricted as per the second paragraph of Section 14A(3)(a) ["HH" Zoning District] of Zoning By-law No. 6593."

- The Traffic Department has advised that:

"We are prepared to accept a pylon sign on site, but presently there is no approved development plan and we would like the opportunity of approving the exact location of the sign as part of the application process."

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains as well as storm and sanitary sewers are available to service the subject lands.

As long as the sign is set back three metres from the widened street line, and three metres from the accesses, and are of the pylon type with the bottom face of the sign +/- 2.9 metres above the ground level, we have no objection."

- The Hamilton Region Conservation Authority and Local Architectural Conservation Advisory Committee staff have no comments or objections.

COMMENTS

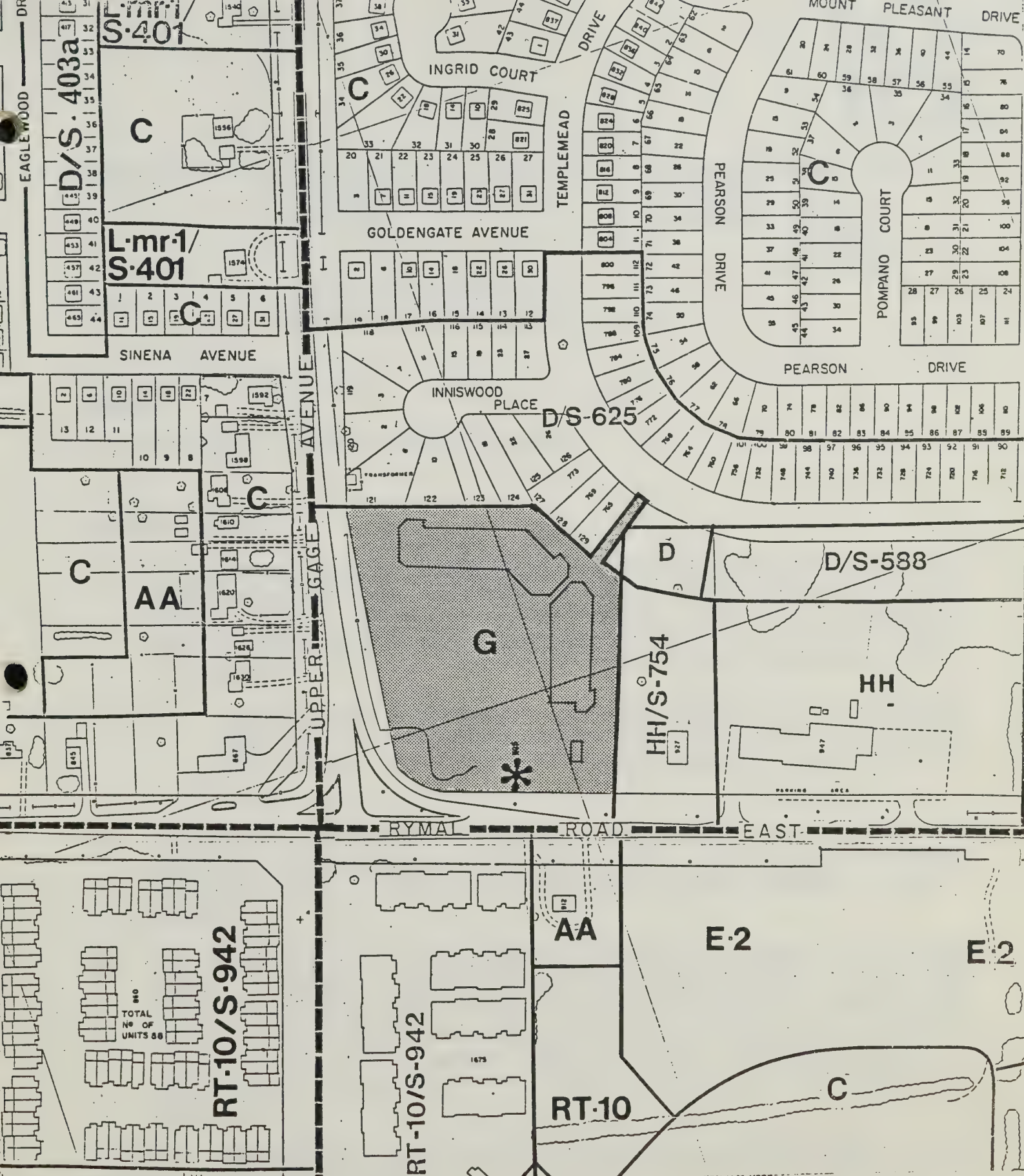
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Templemead Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - the site is situated at the intersection of two major arterial roads (Upper Gage Avenue and Rymal Road East) and adjoins strip commercial-type development to the east;
 - the subject lands have an area in excess of 1.6 ha (4.0 acres) and therefore is not representative of a neighbourhood shopping centre, even though it is zoned as such;

- because of its size and location at the intersection of two major arterial roads, it is consistent with larger community-type shopping centres under the "G-1" (Designed Shopping Centre) District regulations which would permit shopping centre identification signs, as of right;
 - it would have minimal impact on surrounding development as the site abuts "HH" (Restricted Community Shopping and Commercial) District zoned lands to the east along Rymal Road which would permit ground signs, and would be distant at least 36.0 m (120 ft.) from the closest residential use.
4. Given the size and location of the shopping centre, it is suggested that the provisions of Section 13A(1) (xii) (the "G-1" District) of the Zoning By-law applicable to shopping centre identification signs apply to this site. Furthermore, as recommended by the Traffic Department and the Hamilton-Wentworth Engineering Department, the amending by-law should also contain a restriction to establish a minimum setback from the nearest street line or access driveway of 3.0 m, and have a minimum clear height of 3.0 m from the ground to the bottom of the sign.
 5. Development of lands within a "G" (Neighbourhood Shopping Centre, etc.) District is subject to the Site Plan Control By-law 79-275, as amended by By-law 87-273. In the event that this application is approved, the applicant should finalize development control application DA-88-121 which has been held in abeyance.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW:CS
 Attach.
 ZA8941



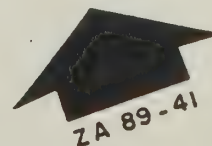
LEGEND



SITE OF THE APPLICATION



LOCATION OF PROPOSED PYLON SIGN



FOR ACTION

18.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 20, 1989

COMM FILE:

DEPT FILE: ZA-89-44

Gershome

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for changes in zoning - No. 2846 King Street East.

RECOMMENDATIONS:

- 1) That Zoning Application 89-44, H. Mouskos and E. Kountouris, owners, requesting changes in zoning from "AA" (Agricultural) District to "HH" (Restricted Community and Shopping Commercial) District, for Block "1", and from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "2", for the property located at No. 2846 King Street East, as shown on the attached map marked as APPENDIX "A", be DENIED in part, for the following reason:
 - i) That the full range of commercial uses permitted under the "HH" District regulations conflicts with the recently approved Gershome Neighbourhood Plan, in that many of the uses are 'highway oriented' and are not considered appropriate for the existing heritage building.
- 2) That approval be given to Official Plan Amendment No. to create a "Special Policy Area" to limit the types of commercial uses within the existing building, and the City Solicitor be directed to prepare a by-law for adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- 3) That approval be given to amended Zoning Application 89-44, H. Mouskos and E. Kountouris, owners, for a modification to the "AA" (Agricultural) District regulations (Block "1"), and a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the conversion of the existing building for limited commercial uses (Block "1") and the construction of single-family dwellings (Block "2") for the property located at No. 2846 King Street East, as shown on the attached map marked as APPENDIX "B", on the following basis:
 - i) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

- ii) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:

- a) That notwithstanding Section 7A(1), the following uses shall be permitted:

Commercial Uses only within the Existing Building:

- 1) funeral home;
- 2) pharmaceutical, chemical, physical or opticians lab;
- 3) retail stores;
- 4) business and professional person's offices, excluding medical and dental offices;
- 5) photographer's studio;
- 6) barber shop, hairdresser;
- 7) shoe shine parlour;
- 8) caterer's shop;
- 9) other personal service shops;
- 10) tailor's shop, dressmakers establishment;
- 11) shoe repair shop;
- 12) wearing apparel shop; and,
- 13) restaurant without entertainment.

Institutional Use only within the Existing Building:

- 1) Day Nursery.

Accessory Use:

- 1) One ground sign, wall sign, or projecting sign having an area of not more than 0.4 m² non-illuminated or illuminated by non-flashing indirect or interior means only, located at least 1.5 m from the nearest street line in connection with the commercial use.
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-106 be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-106 for presentation to City Council;

- vi) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.
- 4) That By-law No. 79-275 as amended by By-law No. 87-223 establishing Site Plan Control, be AMENDED by adding the lands shown as Block "1" to Schedule "A".

EXPLANATORY NOTE:

The purpose of this by-law is to provide for changes in zoning for the property located at No. 2846 King Street East, as shown on the attached map marked as APPENDIX "B", on the following basis;

Block "1" - Modification to the "AA" (Agricultural) District regulations; and,

Block "2" - Change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

The effect of the By-law is to permit the future development of Block "2" for small lot single-family dwellings, and the conversion of the existing building on Block "1", for the following uses:

Commercial Uses:

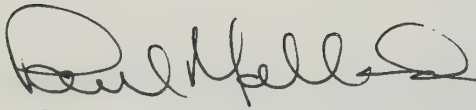
- 1) funeral home;
- 2) pharmaceutical, chemical, physical or opticians lab;
- 3) retail stores;
- 4) business and professional person's offices, excluding medical and dental offices;
- 5) photographer's studio;
- 6) barber shop, hairdresser;
- 7) shoe shine parlour;
- 8) caterer's shop;
- 9) other personal service shops;
- 10) tailor's shop, dressmakers establishment;
- 11) shoe repair shop;
- 12) wearing apparel shop; and,
- 13) restaurant without entertainment.

Institutional Use:

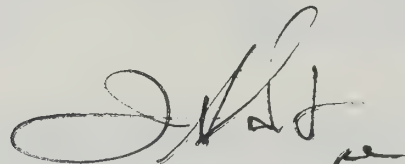
- 1) Day Nursery

Accessory Use:

- 1) one wall, ground or projecting sign will be permitted provided that:
 - o the area does not exceed 0.4 m² (4.92 ft.) in area;
 - o it is either non-illuminated or illuminated by non-flashing, indirect or interior means only; and,
 - o it is located at least 1.5 m from the nearest street line.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

APPLICANT:

H. Mouskos and E. Kountouris, owners.

LOT SIZE AND AREA:

The subject lands are irregular in shape having:

- o 26.82 m (88 ft) lot frontage on King Street East; and,
- o 4,161.18 m² (44,792 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	single family dwelling, vacant parcel	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	animal hospital, single family dwellings, greenhouse (City of Stoney Creek)	"C-3" (General Commercial) District (City of Stoney Creek)
to the south	vacant parcel, single family dwellings	"AA" (Agricultural) District "R-4" (Small Lot Single- Family Detached) District
to the east	cemetery	"AA" (Agricultural) District
to the west	single family dwellings	"AA" (Agricultural) District "R-4" (Small Lot Single Family Detached Dwelling) District

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A". The primary permitted use is for dwellings. In addition, local commercial uses are permitted in "RESIDENTIAL" areas provided:

- o they do not exceed 0.4 ha in area;
- o they serve the daily needs of the surrounding residents; and,
- o they are primarily dependent on pedestrian access.

The uses proposed for Block "1" (i.e. offices, retail stores) are not considered to be local in nature in that they do not serve the daily needs of the surrounding residents nor do they rely primarily on pedestrian traffic. On this basis, Block "1" does not comply with the Official Plan.

A site specific redesignation from "RESIDENTIAL" to "COMMERCIAL" is required.

Block "2" complies with the Official Plan.

NEIGHBOURHOOD PLAN

Block "1" is designated "Commercial/Residential Conservation", and Block "2" is designated "Single and Double Residential" in the recently approved Gershome Neighbourhood Plan.

In addition, design guidelines were established for the King Street frontage. These include:

- o the retention of existing trees, shrubs, hedges;
- o the provision of parking to the rear of the property which is to be suitably buffered from the adjacent residential uses;
- o the provision of non-illuminated signs or illuminated by non-flashing, indirect or interior means only.

The proposal, would not comply with the intent of the recently approved Gershome Neighbourhood Plan in that the full range of commercial uses are not appropriate for the existing building.

RESULTS OF CIRCULARIZATION:

- o The following Departments and agencies have the no comments or objections:
 - Hamilton Region Conservation Authority;
 - Traffic;
 - City of Stoney Creek;
 - Regional Police Department; and
 - Building Department.
- o The Hamilton-Wentworth Engineering Department has advised that:

"... watermains as well as storm and sanitary sewers are available along King Street.

The designated road allowance width of King Street is 36.58 m (120 feet). No further road allowance widenings are anticipated at this time.

Any work within the King Street road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law.

Comments from the City of Hamilton Traffic Department should be considered since the access to King Street may have to be upgraded. These lands should be developed through site plan control.

There is no objection to the zoning of the rear lands to R-4. The servicing details will be dealt with in the future through the subdivision process which may occur in 1990."

o LACAC has advised that:

"To encourage the preservation of the remaining four "listed" Nash houses on this section of King Street East, compatible commercial uses should be permitted for the existing buildings. We therefore support this application on the following conditions:

1. That the allowed commercial uses be confined to the existing building only, with restrictions placed on the size and location of any future additions;
2. That only commercial uses in keeping with the size and character of the existing house be permitted;
3. That any business signs erected on the property be in accordance with the "General Principles for the Erection of Signs on Heritage Buildings";
4. That parking spaces be located to the rear of the building and screened from view;
5. That the existing trees and shrubs at the front of the building be retained."

COMMENTS

- 1) Block "1" does not comply with the Official Plan. A site specific redesignation from RESIDENTIAL to COMMERCIAL is required to permit the proposal. If an amended application is approved, it would be more appropriate to create a Special Policy Area to limit the types of commercial uses within the existing historic building and not to redesignate the subject lands to "COMMERCIAL".

Block "2" complies with the Official Plan.

- 2) Block "1" does not comply with the intent of the recently approved Gershome Neighbourhood Plan.

Block "2" complies with the approved Neighbourhood Plan.

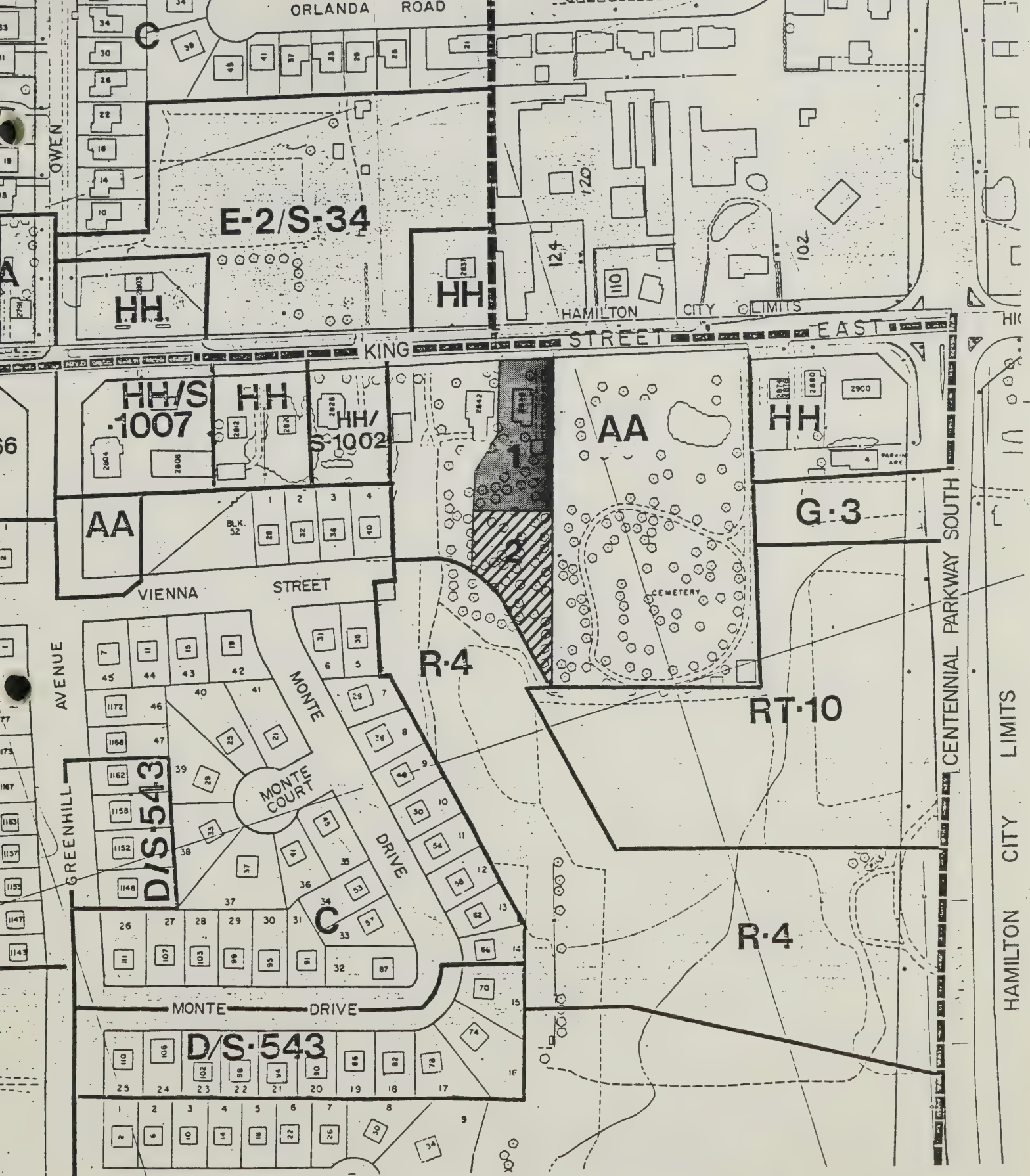
- 3) The proposal for Block "1" cannot be supported for the following reason:
 - i) the Neighbourhood Plan designates the subject lands "Commercial/Residential Conservation". The intent of this designation is to facilitate the retention of the existing heritage building by allowing a limited number of commercial uses. The intent is not to redevelop the property for commercial uses. Accordingly, the "HH" District is an inappropriate zoning category in that many of the uses are highway oriented (i.e. gas station, car wash) or they are not suitable for the existing building.
- 4) An amended application to modify the "AA" District to restrict the range of commercial uses for Block "1" can be supported for the following reasons:
 - a) it will permit the retention of a building of architectural and historic significance;
 - b) the restricted commercial uses are in keeping with the policies of the recently approved Neighbourhood Plan. Many of the uses in the "HH" District are not suitable of the heritage building in that they are 'highway oriented' uses and would not be appropriate for the existing heritage building;
 - c) it is located on a major arterial road (King Street East); and
 - d) it would comply with the intent of the Neighbourhood Plan.
- 5) Block "2" can be supported since:
 - a) it implements both the Official and Neighbourhood Plans;
 - b) the lands will be added to the lands to the south in order to complete a subdivision.
- 6) In keeping with the Neighbourhood Plan policies, it is appropriate to place restrictions on the type and size of sign to be permitted in order to protect the heritage nature of the building. Wall, ground or projecting signs will be permitted, provided:
 - the maximum area does not exceed 0.4 m²; and,
 - it is either non-illuminating or is illuminated by non-flashing or indirect means; and,
 - it is at least 1.5m from the nearest street line.
- 7) The "AA" District is not subject to Site Plan Control By-law 79-275 and 87-223. However, it would be appropriate to place the subject lands under Site Plan Control since urban design

guidelines concerning parking and landscaping have been established for this property. Matters such as parking, landscaping, access will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH-E/ma
WPZA8944



Legend

Proposed change in zoning from "AA"(Agricultural) District to:

"HH" (Restricted Community Shopping and Commercial) District.

BLOCK 1



BLOCK 2



"R-4" (Small Lot Single - Family Detached) District.



APPENDIX A

FOR ACTION

19.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: SEPTEMBER 18, 1989
COMM FILE:
DEPT FILE: ZA-89-50
Beasley
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Amended application for a change in zoning - No. 139 Cannon Street East.

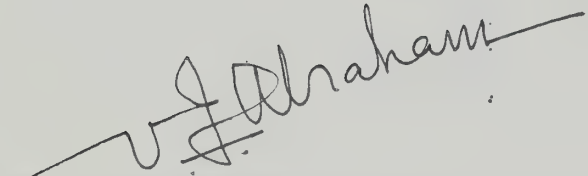
RECOMMENDATION:

1. That approval be given to amended Zoning Application 89-50, Maurice Charles Carter, owner, requesting a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District, modified, to "H" (Community and Shopping and Commercial, etc.) District, to permit the use of the subject lands for automobile sales and service, for the property located at No. 139 Cannon Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the subject lands be rezoned from "J" (Light and Limited Heavy Industry, etc.) District, modified, to "H" (Community Shopping and Commercial, etc.) District;
 - ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
 - iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That the amending By-law not be forwarded for submission to City Council until such time as the applicant enters into an encroachment agreement with the City for the existing building.

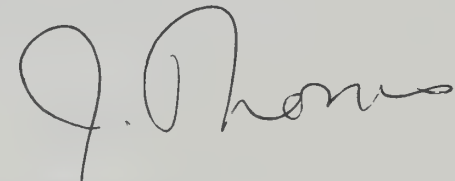
EXPLANATORY NOTE:

The purpose of this By-law is to provide for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "H" (Community Shopping and Commercial, etc.) District for the property located at No. 139 Cannon Street East, as shown on the attached map marked as APPENDIX "A".

The effect of this By-law is to permit the use of the subject lands for automobile sales and service.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development
Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

In 1974, the zoning on the subject lands was modified to restrict the use of the property for an auto body and fender repair service (By-law 74-259). The owner has used this property in conjunction with his automobile sales and service centre (Carter Chevrolet Oldsmobile) located to the east.

The owner has indicated that he no longer requires the property for an auto body and fender repair shop, and a proposed purchaser wishes to use the property for automobile sales and service.

APPLICANT:

Maurice Charles Carter, owner.

LOT SIZE AND AREA:

- o 24.38 m (80 ft) of lot frontage on Cannon Street East;
- o 29.7 m (97.5 ft.) of lot frontage on Elgin Street; and,
- o 724.6 m² (7,800 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	auto body & fender repair shop	"J" (Light and Limited Heavy, Industry, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	one and two family dwellings	"D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District
to the south	vacant parcel, car lot, one and two family dwellings	"D" (Urban Protected Residential, One and Two Family Dwellings, Townhouse, etc.) District "J" (Light and Limited Heavy Industry, etc.) District
to the east	automobile sales and service	"H" (Community Shopping and and Commercial, etc.) District
to the west	one family dwelling apartment building	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated CENTRAL POLICY AREA on Schedule "A" - Land Use Concept. The primary permitted uses include residential, commercial, institutional, etc..

The proposal complies with the intent of the Official Plan.

CENTRAL AREA PLAN (O.P.A. No.66):

The subject lands are designated "Neighbourhood Residential" in the Central Area Plan (O.P.A. No.66). The proposal does not comply with this Plan. Since O.P.A. No.66 has not received final approval from the Region, an amendment to the Plan is not required. However, if the O.P.A. receives approval prior to the Planning and Development Committee considering this application, then an Official Plan Amendment will be required to redesignate the subject lands to "Mixed Use".

NEIGHBOURHOOD PLAN:

The subject lands are designated "Industrial" in the approved Beasley Neighbourhood Plan. In addition, there is a special provision on the property which allows future redevelopment of the lands for commercial, residential or industrial in accordance with the Central Area Plan performance standards.

These performance standards which are intended to measure noise levels, air pollution, architectural design, etc., have not been developed yet. In addition, the property will not be under site plan control ("H" District not included in Site Plan Control By-law 79-275). Based on the above, the performance standards are not applicable to this development.

The proposal complies with the intent of approved Beasley Neighbourhood Plan.

RESULTS OF CIRCULARIZATION

o The following Department and agencies have no comments or objections:

- Hamilton Region Conservation Authority;
- Traffic Department; and,
- LACAC.

o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains are available as are combined storm and sanitary sewers from both Elgin and Cannon Streets.

The sewer system is below present day design standards. However, we believe that the proposed zoning will not substantially increase the demand on this facility above that permitted by the present zoning regulations.

The designated road allowance width of Cannon Street is 26.2 m (86 feet). The applicant should be advised of a future road widening of +/-3.048 m (10 feet) in width.

The existing building at No. 139 Cannon Street East encroaches into the Elgin Street road allowance. We recommend, as a condition of development approval, that the applicant enter into an encroachment agreement with the City of Hamilton.

Any other works within the adjacent road allowances must conform to the respective Streets By-laws".

- o The Building Department has indicated that:
 - "1. Our records indicate that an auto body and fender repair shop is a legally established non-conforming use which is a commercial use designation.
 - 2. An encroachment agreement from the Regional Engineering Department may be required for a portion of the building on the road allowance of Elgin Street."

COMMENTS

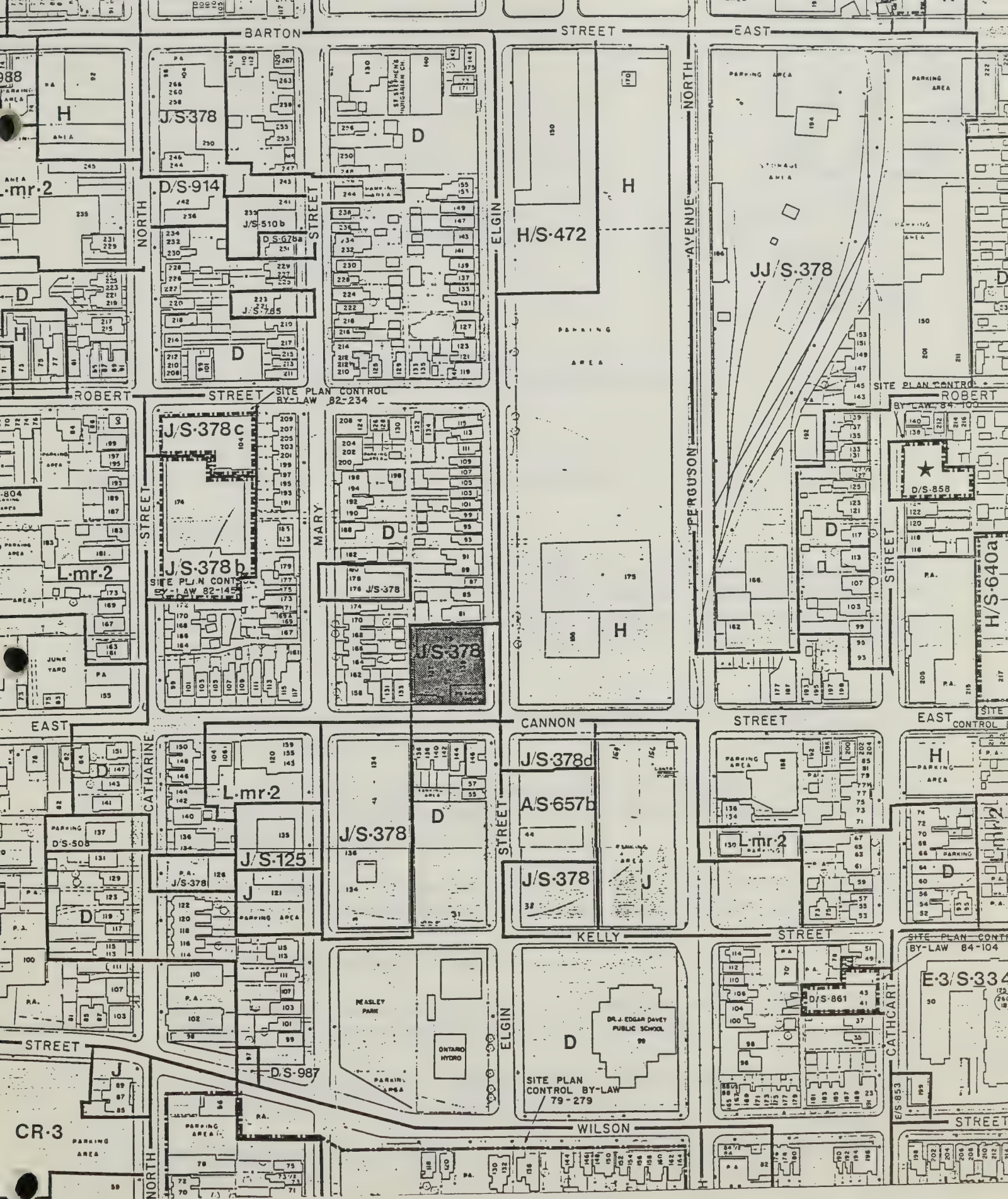
- 1) The proposal complies with the intent of the Official Plan and the approved Beasley Neighbourhood Plan.
- 2) The proposal does not comply with the Central Area Plan (O.P.A. No.66). However, an Official Plan Amendment will only be required if O.P.A No. 66 is approved by the Region prior to this application being considered by the Planning and Development Committee.
- 3) The proposal merits support for the following reasons:
 - a) the automobile sales and service shop is an improvement, in that it is less offensive than the existing auto body and fender repair shop;
 - b) it is similar to and compatible with the land uses in the surrounding area including a car dealership to the east, and a car lot to the south;
 - c) it is located on a major arterial road (Cannon Street East);
 - d) it complies with the intent of the Official Plan, and the approved Beasley Neighbourhood Plan.

- 4) The Engineering Department has indicated that the existing building encroaches into the Elgin Street road allowance. The Department indicates that an encroachment agreement with the City should be entered into prior to development approval. Since the development is not subject to Site Plan Control By-laws 79-275 and 87-223, it is appropriate to hold the amending by-law in abeyance until the applicant has entered into an encroachment agreement with the City.

CONCLUSION

Based on the foregoing, the proposal can be supported.

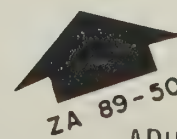
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WPZA8950



LEGEND



SITE OF THE APPLICATION.



APPENDIX A

FOR ACTION

20.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 20, 1989

COMM FILE:

DEPT FILE: ZA-89-53
Rushdale
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - No. 549 Stone Church Road East.

RECOMMENDATION

That approval be given to amended Zoning Application 89-53, Boyago Realty Limited, prospective owner, for a change in zoning from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District, modified to permit a neighbourhood shopping plaza in conjunction with the adjacent land to the north and west, for property located at No. 549 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject land be rezoned from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District;
- ii) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations contained in Section 13D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 13D(1)(B)(iv) of By-law No. 6593, a restaurant shall be permitted only within the existing building located at No. 549 Stone Church Road East;
 - b) That Section 13D(5) shall not apply.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-27C be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and

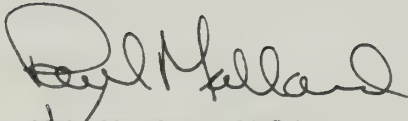
- vi) That the approved Rushdale Neighbourhood Plan be amended by redesignating the subject lands to "COMMERCIAL".

EXPLANATORY NOTE

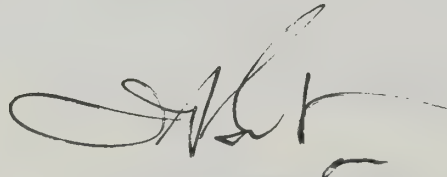
The purpose of the application is to provide for a change in zoning from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District for property located at No. 549 Stone Church Road East, as shown on the attached key map.

The purpose of the proposed By-law is to permit development of the subject land for a neighbourhood shopping plaza in conjunction with the adjacent land to the north and west. In addition, the By-law provides for the following variances as special requirements:

- o to permit a restaurant only within the existing stone house at 549 Stone Church Road East;
- o the provisions for maximum lot depth and maximum lot area shall not apply.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- o Proposed Development

The applicant has entered into an "Agreement of Purchase and Sale" with Hamilton General Homes Ltd. This agreement is conditional upon the applicant obtaining a rezoning of the subject lands to "G-4" (Designed Neighbourhood Shopping Area) District. In this regard, it is Hamilton General Homes Ltd. intent to develop the subject lands as a second phase of the Highridge Plaza located on adjoining lands to the north and west.

o ZA-87-90 - 25 Redmond Drive

At its meeting held on November 11, 1987, the Planning and Development Committee tabled Zoning Application 87-90 to establish an amendment to the Official Plan to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL", and for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District for property located at 25 Redmond Drive. In addition, the staff were directed to report back to the Committee, at its next meeting, with a new resolution for this application incorporating a modified "G" (Neighbourhood Shopping Centre etc.) zoning district for the purpose of restricting use of the site for specific commercial uses.

At its meeting held on November 25, 1987, the Planning and Development Committee reconsidered the proposal and denied the application for the following reasons:

- a) The proposed development would be incompatible with existing and proposed residential development in this area.
- b) The proposal does not comply with the intent of both the Official Plan and the approved Rushdale Neighbourhood Plan.
- c) There is an adequate supply of commercial land, existing and proposed, within this area along the abutting arterial roads to serve the needs of the present and future inhabitants.
- d) There is a residential lot abutting the south-east which is not incorporated in the proposal.

o ZA-88-64 - 25 Redmond Drive

At its meeting held on September 28, 1988 the Planning and Development Committee considered Zoning Application 88-64 to establish an amendment to the Official Plan to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL", and for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District. The Planning and Development Department recommended denial of the application for the following reasons:

- a) The proposed development would be incompatible with existing and proposed residential development in this area.
- b) The proposal does not comply with the intent of both the Official Plan and the approved Rushdale Neighbourhood Plan.
- c) There is an adequate supply of commercial land, existing and proposed, within this area along the abutting arterial roads to serve the needs of present and future inhabitants of this area.

However, the Planning and Development Committee approved the following restricted range of commercial uses for this property:

- a) Retail Grocery Store;
- b) Retail Drug Store;
- c) Retail Bakery;
- d) Barbershop, Hairdressing establishment or Beauty Parlour;
- e) Retail Hardware Store;
- f) A collecting and distributing station for a laundry or dry cleaner;
- g) Bank;
- h) Offices for Medical or Dental Practitioners;
- i) Offices for use by Insurance Agents, Lawyers, Auditors or Realtors.

At its meeting held on October 11, 1988, City Council adopted the recommendation of the Planning and Development Committee. The amending By-law, 88-267, was passed by City Council on November 8, 1988.

APPLICANT

Boyago Realty Limited, prospective owner.

LOT SIZE AND AREA

- o 30.48 m (100 feet) of lot frontage on Stone Church Road East;
- o 63.09 m (207 feet) of lot depth; and,
- o 1,858 m² (20,000 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Land</u>		
to the north	vacant parcel and single family dwellings	"G-4" (Designed Neighbourhood Shopping Area) District modified and "C" (Urban Protected Residential, etc.) District

to the south	power corridor easement and single family dwellings	"AA" (Agricultural) District and "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified
to the east	power corridor easement	"AA" (Agricultural) District
to the west	vacant parcel and townhouses	"G-4" (Designed Neighbourhood Shopping Centres, etc.) District modified and "RT-20" (Townhouse - Maisonette) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan the proposal does not comply with the intent of the Official Plan. Since the site will become part of the larger commercial site to the north and west, the following policy may apply:

"D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "C", "D", "F", "G", and "H" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan."

Based on Policy D.8.2, a minor extension of the existing commercial designation (to the north and west) can be made for the property that is the subject of this application, provided the general intent and purpose of the Official Plan are maintained. The proposal will not conflict with the intent of the Official Plan, providing Council deems it to be in keeping with the general intent and purpose of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Rushdale Neighbourhood Plan, the proposal does not comply. Approval of the application would require a redesignation to "COMMERCIAL".

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority and Ontario Hydro have no comment or objection.
- o The Local Architectural Conservation Advisory Committee (Research Sub-Committee) has advised that:

"The house is listed on the City's Inventory of Architecturally and Historically Significant Buildings. The site is occupied by a 1 1/2 storey stone house which was originally owned by the Horning family (see reasons for designation of 613 Stone Church Road East - attached as APPENDIX "B"). This house, along with its neighbour at 613 Stone Church Road, is a relatively rare example of pre-confederation stone architecture in Hamilton and numbers amongst the last of its type to survive on the Mountain.

We support the change in zoning on condition that the house be retained. Some of the permitted commercial uses in a "G-4" District, such as a restaurant; photographer's studio; and medical, law or realty offices, could be suitably accommodated in the stone house."

- o The Traffic Department has advised that:

"In the event that the application to permit commercial development of the property is approved, we recommend that the subject lands be assembled with the lands to the west to provide for a comprehensive development. If the lands cannot be assembled under common ownership, we recommend that the two properties be developed with common access and parking."

- o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains as well as storm and sanitary sewers are available to service the subject land.

The designated road allowance width of Stone Church Road is 30.48 m (100 feet). We recommend as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 15.24 m (50 feet) from the centreline of the original Stone Church Road allowance.

The Traffic Department will be commenting on the access design. We recommend these lands be developed with the lands to the west which are under Site Plan DA-89-27. This should include a common access, etc."

- o The Building Department has advised that:

"1. This property is not a corner lot, therefore, a revised survey plan is required to be submitted.

2. The lot has a depth greater than the maximum 45.0 m (Section 13D(5))."

COMMENTS

1. The proposal conflicts with the intent of the Official Plan. However, a minor adjustment to the adjacent COMMERCIAL designation can be made provided Council deems it appropriate under Section D.8.2 of the Official Plan.
2. The proposal does not comply with the intent of the approved Rushdale Neighbourhood Plan. Approval of the application would require a redesignation of the subject land from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL".
3. The proposal has merit and can be supported for the following reasons:
 - i) The lands to the north and west are designated "COMMERCIAL" in the Official Plan and "COMMERCIAL" in the approved Rushdale Neighbourhood Plan. At the time the application (ZA-88-64) for those lands was considered, the Planning and Development Department recommended that should the Planning and Development Committee approve the application, it would be appropriate to include 549 Stone Church Road East as part of the development. Hamilton General Homes (1971) Ltd., is proposing to incorporate 549 Stone Church Road East with the previously approved commercial development, and is implementing the recommendation associated with the previous application;
 - ii) The proposed G-4" (Designed Neighbourhood Shopping Area) District zoning is appropriate for the site given the zoning and proposed use of the surrounding land; and,
 - iii) The subject property contains a stone house that is listed with LACAC. The applicant has advised that he plans to retain the stone house and incorporate it into the design of the neighbourhood plaza.
4. The following variances have been identified:
 - o Section 13D(1)(B)(iv) Permitted Uses

The applicant has requested the full range of uses permitted under the "G-4" District, notwithstanding that the adjoining lands have a modified "G-4" zoning which restricts the type of uses permitted (see BACKGROUND - ZA-86-64).

With the exception of a restaurant, the additional requested uses under the "G-4" zoning (e.g. retail stationer, shoe repair shop, retail delicatessen store, photographers studio) are no less feasible than those presently permitted on the adjoining "G-4" modified lands.

However, the establishment of a restaurant within the existing stone house could be supported.

o Section 13D(5) Lot Depth and Area

The Building Department has advised that variances would be required for the lot depth and lot area provisions of Section 13D(5) of Zoning By-law No. 6593. The variances can be supported as the zoning of the subject property is appropriate given the location of this property in relation to the adjacent property which is zoned "G-4" (Designed Neighbourhood Shopping Area) District.

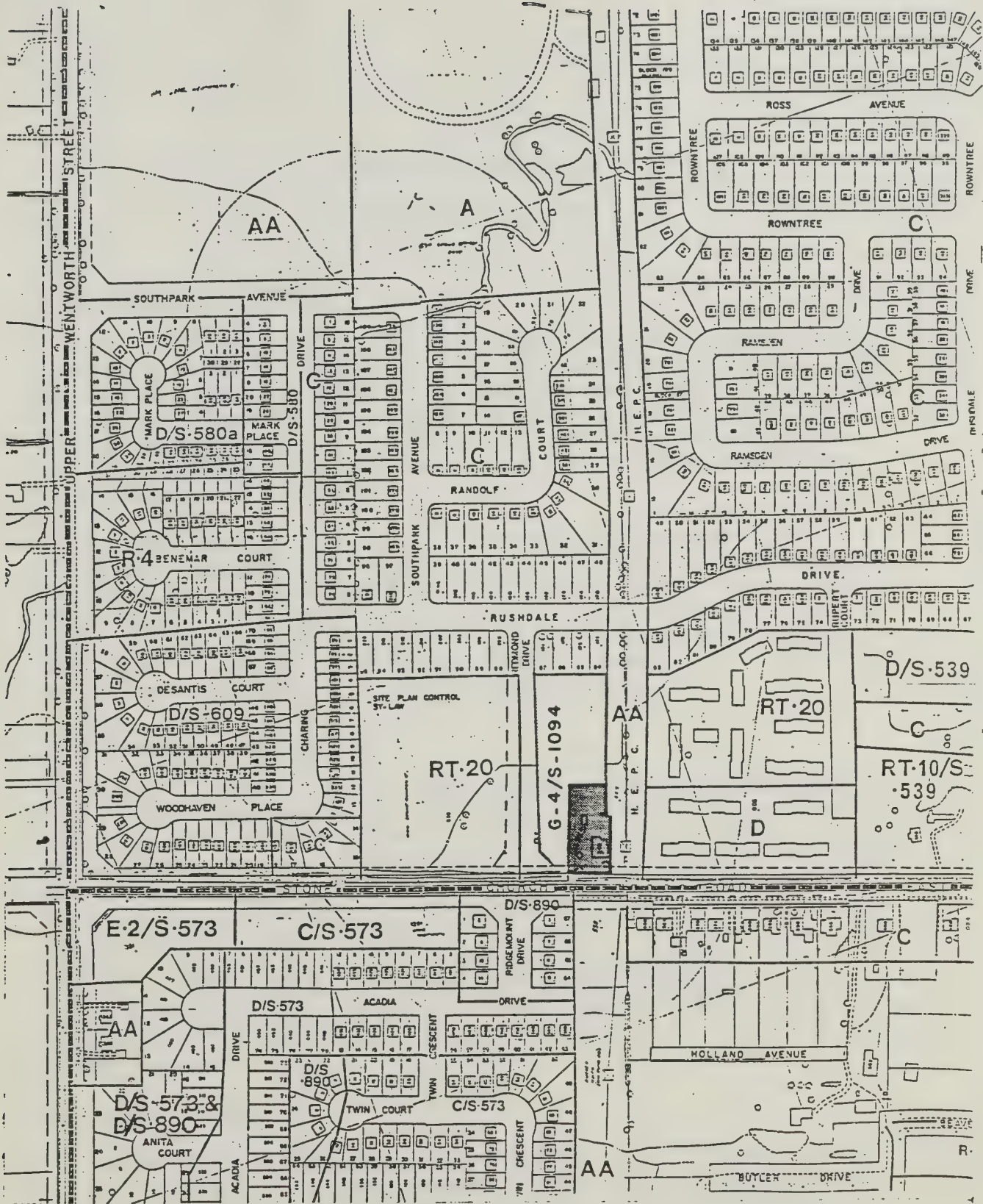
5. The requested "G-4" (Designed Neighbourhood Shopping Area) District would be subject to Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223. Future development of the subject property will be subject to the provision of the Site Plan Control By-law.

It should be noted, that on July 25, 1989, Hamilton General Homes (1971) Ltd., signed a development agreement (DA-89-27) concerning development of the adjoining lands located at 25 Redmond Drive for commercial purposes.

CONCLUSION

Based on the foregoing, the application can be supported.

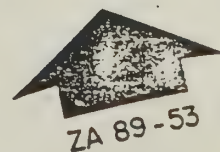
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Legend



Site of the Application



613 STONE CHURCH ROAD

REASONS FOR DESIGNATION

Historical Significance

The stone farmhouse at 613 Stone Church Road on the Mountain, built around the 1850s for Abraham Horning, was the homestead of one of the earliest families to settle in the Hamilton area. Abraham's grandfather, Peter Horning, had moved with his family to Hamilton from Pennsylvania in the late 1780s. He and his two eldest sons all received Crown grants of land; and his sons, Abraham and Isaac, both settled on the Mountain.

In 1852 Abraham, Isaac's son, inherited 200 acres of land extending from Stone Church to Limeridge Road between Upper Wentworth and Upper Sherman, on which he built his stone house. After Abraham's death in 1868, this property was divided equally amongst his four sons, and the stone house passed to his son, Edward, who owned it until 1905. A second stone house originally owned by the Horning family is still standing nearby at 549 Stone Church Road.

Architectural Significance

Typical of the vernacular stone houses built in the Hamilton area from the 1840s to the 1860s, 613 Stone Church Road is a 1 1/2 story structure with a simple gable roof and end chimneys. Built on a ridge; it has two full storeys at the rear (originally the front of the house). This west facade originally had a two-storey verandah extending the full width of the house with a central doorway on the upper level which served as the main entrance. The rubblestone walls feature rough-hewn corner quoins and solid, rectangular stone lintels and sills. This house, along with its neighbour at 549 Stone Church Road, is a relatively rare example of pre-Confederation stone architecture in Hamilton, and numbers amongst the last of its type to survive on the Mountain.

Designated Features

Important to the preservation of 613 Stone Church Road are the original features of all four facades, including but not limited to the four stone walls and chimneys, the original door and window openings, the 12-paned double-hung sash windows, and the original wood doors.

FOR ACTION

21.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 20, 1989
COMM FILE:
DEPT FILE: ZA-89-67
Corktown
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification in zoning - No.18 Main Street East.

RECOMMENDATION:

That approval be given to Zoning Application 89-67, DeSantis Group Inc., prospective owner, requesting a modification to the "I" (Central Business District, etc.) District regulations, to permit the construction of a 13 storey mixed residential/commercial building containing approximately 3,100 m² of commercial and office space, 72 apartment units and 275 public parking spaces, for the property located at No. 18 Main Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "I" (Central Business District, etc.) District regulations, as contained in Section 15 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 15.(3)(iii)(b), a minimum rear yard of 4.5m shall be provided and maintained;
 - b) That notwithstanding Section 15.(4)(iii), a multiple dwelling having a maximum of 72 dwelling units shall be permitted;
 - c) That notwithstanding Section 18A.(1)(c) one loading space having a minimum dimension of 9.0m x 3.7m x 4.3m shall be provided and maintained;
 - d) That notwithstanding Section 18A.(1)(d), one loading space having a minimum dimension of 9.0 m x 2.6 m x 4.3 m shall be provided and maintained;
 - e) That notwithstanding Section 18A.(7), nine of the required parking spaces shall have minimum dimensions of 2.6m x 5.0m and 324 parking spaces shall have minimum dimensions of 2.6m x 5.89m;

- f) That notwithstanding Sections 18A.(9) and 18A.(1)(f) Table 6, the manoeuvring space for five parking spaces shall be located off-site;
- g) That notwithstanding Section 18A.(20)(a)(ii), the required residential visitor parking will be located within the area designated for commercial parking spaces.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-4 and E-5 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-4 and E-5 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- v) That the Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".

EXPLANATORY NOTE:

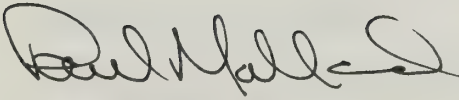
The purpose of this By-law is to provide for a modification to the "I" (Central Business District, etc.) District regulations, for the property located at No.18 Main Street East, as shown on the attached map marked as APPENDIX "A".

The effect of this By-law is to permit the construction of a 13 storey mixed residential/commercial building containing approximately 3,100 m² of commercial and office space (ground and 7th floor), 72 apartment units (from the 8th to the 13th floors) and 275 public parking spaces (from the 2nd to the 6th floors).

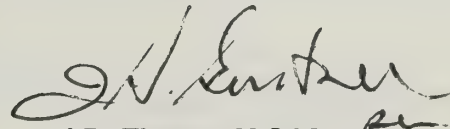
In addition, the By-law provides for the following variances, to permit:

- o a rear yard of 4.5m instead of the required 7.5m;
- o 72 apartment units instead of the legally permitted 30 units;
- o one small residential loading space (9.0m x 3.7m x 4.3m) instead of providing one large loading space (18.0m x 3.7m x 4.3m);
- o one commercial loading space having a dimension of 9.0m x 2.6m x 4.3m instead of providing two loading spaces having dimensions of 18.0m x 3.7m x 4.3m.
- o nine parking spaces to have dimensions of 2.6m x 5.0m, and 324 parking spaces to have dimensions of 2.6m x 5.89m, instead of the required 2.6 m x 6.0 m.

- o the manoeuvring area for 5 parking spaces to be located off-site; and,
- o the residential visitor parking in the commercial parking area.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Plans were submitted for a residential/commercial parking facility to be located at 18 Main Street East at Hughson Street South. The commercial and office area of approximately 3,100 m² (33,369 sq. ft.) will be located on the first and seventh floors.

The proposed 72 unit condominium apartments having a gross floor area of approximately 8,200 m² (88,266 sq. ft.) will be located on the eighth to thirteenth floors.

The parking for the residential development, 58 spaces will be provided on the basement level and adjacent to the alley at the rear of the building. Additional parking for 275 vehicles will be provided on the second to sixth floors and will be designated as "Public Parking Spaces".

On March 7, 1989, the Planning and Development Committee approved the site plan for the subject lands (see APPENDIX "B"). In the Site Plan report, a number of variances to the Zoning By-Law were identified and were subject to approval by the Committee of Adjustment.

On March 8, 1989, the Committee of Adjustment approved the variances; however, its decision was appealed to the Ontario Municipal Board by Black and White Properties, owner of No. 8 Main Street East.

LOT SIZE AND AREA:

The subject lands have:

- o a lot frontage of 48.7m (159.8 ft) on Main Street East;
- o a lot depth of 41.83m (137.2 ft.); and,
- o a lot area of 2037m² (21,931 sq. ft.).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	parking lot	"I" (Central Business District, etc.) District
<u>Surrounding Lands</u>		
to the north	offices	"I" (Central Business District, etc.) District
to the south	office building, parking lot	"I" (Central Business District, etc.) District
to the east	courthouse	"I" (Central Business District, etc.) District
to the west	Hamilton Club, commercial, and offices	"I" (Central Business District, etc.) District

OFFICIAL PLAN:

The subject lands are designated CENTRAL POLICY AREA on Schedule "A" - Land Use Concept. A wide range of uses, including residential and commercial, are permitted.

In addition, the subject lands are located within Special Policy Area 3. The following policy, amongst others, applies:

- "A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent of the quality and suitability of Residential opportunities in close proximity to the downtown.

Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" of Subsections A.2.1 and C.7, and Policy

A.2.8.1(ii);

- i) It is the intent of Council to strengthen the Residential function or redevelopments within the Central Policy Area and Commercial areas of SPECIAL POLICY AREA 3, subject to the General Provisions of Subsection A.2.2;"

The proposal complies with the intent of the Official Plan.

CENTRAL AREA PLAN:

The subject lands are designated "Downtown Core" in the Central Area Plan. The proposal complies.

NEIGHBOURHOD PLAN:

The subject lands are designated "Commercial" in the approved Corktown Neighbourhood Plan. A site specific redesignation from "Commercial" to "Commercial and Apartments" is required.

RESULTS OF CIRCULARIZATION:

- o The following departments and agencies have no comments or objections:
 - Hamilton-Wentworth Engineering Department;
 - Traffic;
 - Building Department;
 - LACAC;
 - Hamilton Region Conservation Authority;
 - GO Transit; and,
 - Regional Police Department.

COMMENTS:

- 1) The proposal complies with the intent of the Official Plan and the Central Area Plan.
- 2) The proposal does not comply with the intent of the approved Corktown Neighbourhood Plan. A site specific redesignation from "Commercial" to "Commercial and Apartments" is required to permit the proposal.

3) The proposal merits consideration for the following reasons:

- a) it will complement the mixed use nature of the surrounding area by adding a residential use to the existing commercial and institutional uses;
- b) it implements the Central Area Plan by providing a "Mixed Use" in the downtown core;
- c) it will add much needed public parking to the downtown area; and,
- d) the site is ideally situated in the downtown area where various types of residential development are encouraged to locate, and is in close proximity to public transit, shopping as well as many cultural facilities.

4) As outlined in the Site Plan report, (APPENDIX "B") dated March 6, 1989, a number of variances are required:

o Number of Dwelling Units - Section 15

A variance is required to increase the number of dwelling units from 30 to 72 because the Zoning By-law requires 65m² of lot area for every dwelling unit. The variance can be supported because:

- this requirement is an anomaly since it only exists for this district and it was eliminated from all the other districts that permit multiple dwellings;
- the proposed height of the building is 38.5 m whereas the by-law permits a building to have a height of 100m;
- the F.A.R. in the "I" district is 11 times the lot coverage and the proposed building has an F.A.R. of 5.6;
- the overall mass of the building is within the "I" District regulations; and,
- the project is a mixed development with the majority of the structure providing public parking for 275 cars (approximately 12,000m²).

o Rear Yard Requirement - Section 15

The proposed development provides an above grade, landscaped courtyard surrounded by the residential units. This requires the residential structure to be located as close as possible to the property lines, thus creating a variance to reduce the rear yard setback from 7.5 m to 4.5 m. Since the variance will not adversely affect the adjacent properties and is minor in nature, the variance can be supported.

o Loading Spaces - Section 18A

The proposed commercial/office area of approximately 3,100 m² requires two loading spaces of 18 m x 3.7 m, whereas one space having a dimension of 9.0 m x 2.6 m is proposed. In addition, the residential component requires one loading space at 18 m x 3.7 m, whereas one space at 9.0 m x 3.7 m is being proposed. Due to truck access, restrictions from the municipal streets, lot location, and structure limitations, the reduction of the number of commercial loading spaces from 2 to 1, a reduction in its size, and a reduction in size of the residential loading space, can be supported.

o Size of Required Parking Spaces - Section 18A

A variance dealing with the reduction of the size of the required parking spaces from 2.7 m x 6.0 m can be supported due to the structural requirements of the building. The structural columns reduce nine parking spaces to 2.6 m x 5.0 m and the remainder to 2.6 m x 5.8 m. It should be noted that the restrictions are only at the columns and the actual dimensions are slightly larger.

o Manoeuvring for Parking Spaces - Section 18A

Five of the required parking spaces will be provided adjacent to the southerly public alleyway and, therefore, the manoeuvring space will be on the alleyway instead of on the subject property. The variance is minor in nature and can be supported.

o Shared Residential and Commercial Parking - Section 18A

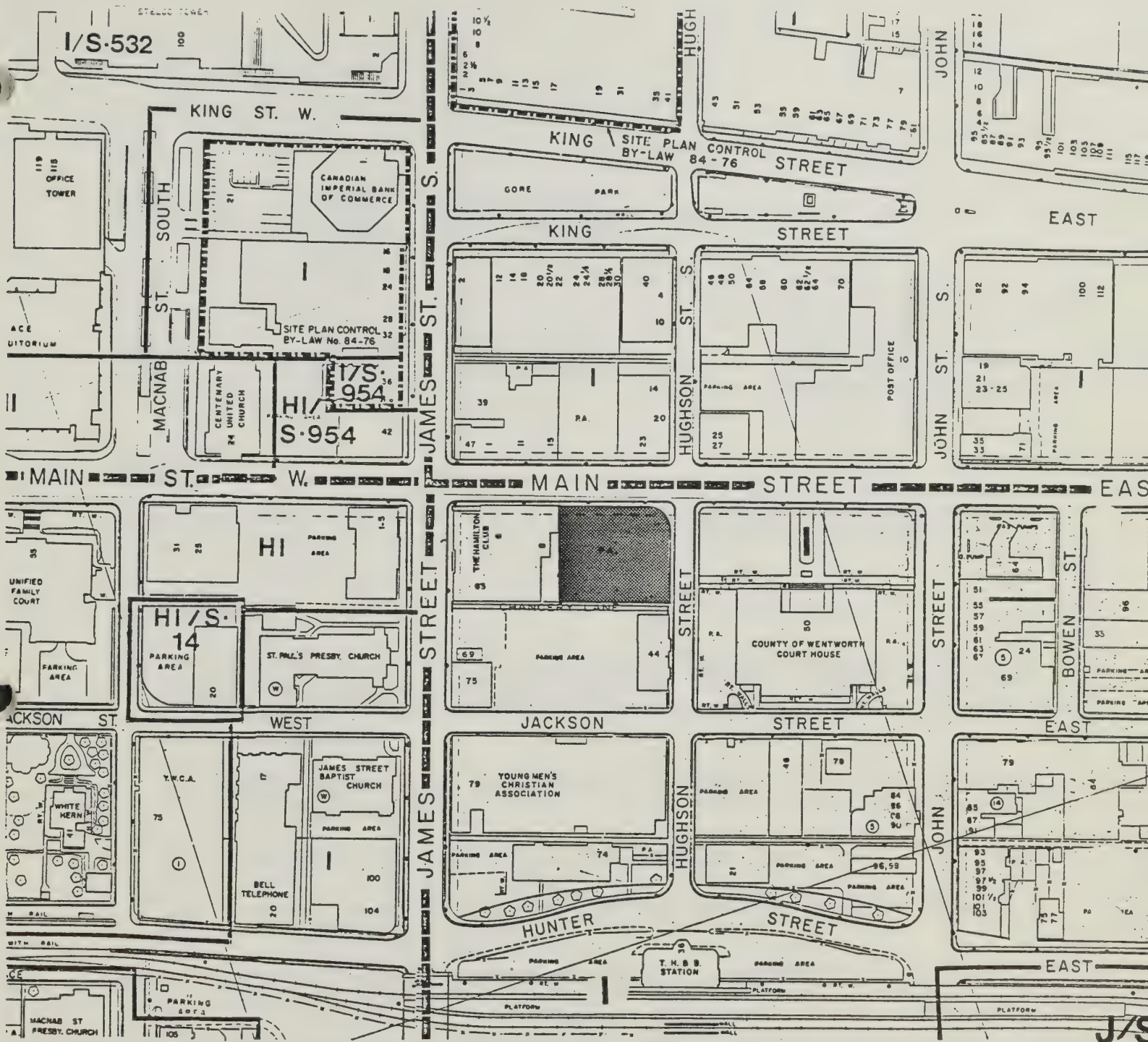
A variance is also required to permit the required visitor parking area to be located in the public parking area section of the structure. Since the variance is minor in nature and public parking is within the same structure, the variance can be supported.

It should be noted that the Traffic Department is not opposed to variances respecting parking and loading.

- 4) The lands are subject to Site Plan Control By-law 88-160. The Site Plan Control Application for the lands was approved on March 7, 1989 subject to a number of conditions, one of which is approval of the above noted variances.

CONCLUSION:

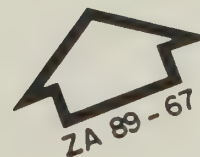
Based on the foregoing, the proposal can be supported.



Legend



Site of the Application



APPENDIX A

FOR ACTION

REPORT TO: ALDERMAN J. SMITH, CHAIRMAN
ALDERMAN. W. McCULLOCH, WARD ALDERMAN
PLANNING & DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 March 6th
COMM FILE:
DEPT. FILE: DA 88-136
CORKTOWN NEIGHBOURHOOD

SUBJECT:

Site Plan Control Application DA 88-136 for development of a residential/
commercial/parking structure to be constructed at 18 Main Street East.

RECOMMENDATION

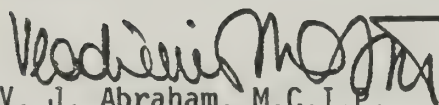
(a) That approval be given to Site Plan Control Application DA 88-136 by De
Santis Group Inc., prospective owner of lands at 18 Main Street East for
development of a residential/commercial and parking structure, subject
to the following:

(a) modification to the plan related to dimensions and notes as marked
in red on the plans;

(b) approval of the following variances by the Committee of Adjustment:

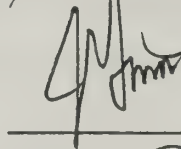
- i) to reduce the required rear yard from 7.5 m to 4.5 m to the
residential structure;
- ii) to increase the maximum number of residential units from 30
to 72 units;
- iii) to reduce the length of the required residential loading
space from 18 m to 9 m;
- iv) to reduce the number of the required commercial loading
spaces from 2 to 1 space;
- v) to reduce the length and width of the required commercial
loading space from 18 m x 3.7 m to 9 m x 2.6 m;

- vi) to reduce the size of the required parking spaces from 2.7 x 6 m to 2.6 x 5.0 m for nine (9) of the required spaces and the remainder to be 2.6 x 5.8 m;
 - vii) to permit the required manoeuvring area for five parking spaces to be located on the adjacent public assumed alley; and
 - viii) to permit the residential visitor parking spaces to be located within the designated commercial parking area;
- (c) submission of a revised site plan to resolve the driveway areas to the parking area and loading space to the satisfaction of the Director of Traffic Services, the Director of Local Planning and the Commissioner of the Hamilton-Wentworth Engineering Department;
- (d) provision on the plan to permit a section of the westerly wall, 3 m from the Main Street East property line to allow the continuation of the sidewalk westerly should redevelopment occur;
- (e) submission of a grading and landscape plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department and the Director of Local Planning, Planning and Development Department;

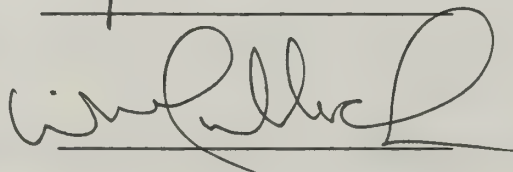

for V. J. Abraham, M.C.I.P.
Director of Local Planning

Approval Date: March 7/89.

Alderman John Smith
Chairman



Alderman William McCulloch
Ward Alderman



FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Plans have been submitted for a residential/commercial parking facility to be located at 18 Main Street East at Hughson Street South. The commercial and office area of approximately 3,100 m² (33,369 sq. ft.) will be located on the first and seventh floors.

The proposed 72 unit condominium apartments having a gross floor area of approximately 8,200m² (88,266 sq. ft.) will be located on the eighth to thirteenth floors.

The parking for the residential development, a total of 58 spaces will be provided on the basement level and adjacent to the alley at the rear of the building. Additional parking for 275 vehicles will be provided on the second to sixth floors and will be designated as "Public Parking Spaces".

At grade level, the first floor will be setback from the Main Street East and Hughson Street South property lines by 3.0 m and 1.5 m to provide a covered public walkway. On the eighth floor level a landscape courtyard will be surrounded by the residential units. A raised roof structure with open sides will provide partial shelter for the entire courtyard. A detailed landscape and grading plan for the project will be included in the final plans.

The submission is in keeping with the concept and details of the Offer to Purchase from the City of Hamilton as approved by City Council on July 26, 1988 and amended on November 8, 1988.

Comments from the various departments have been attached for information.

A number of items should be resolved prior to finalization of the plans and are described and commented upon as follows:

- (a) Modifications are required to the plans related to notes and dimensions and are marked in red on the plans.
- (b) A number of variances are described in the comments from the Building Department and are to be approved by the Committee of Adjustment.

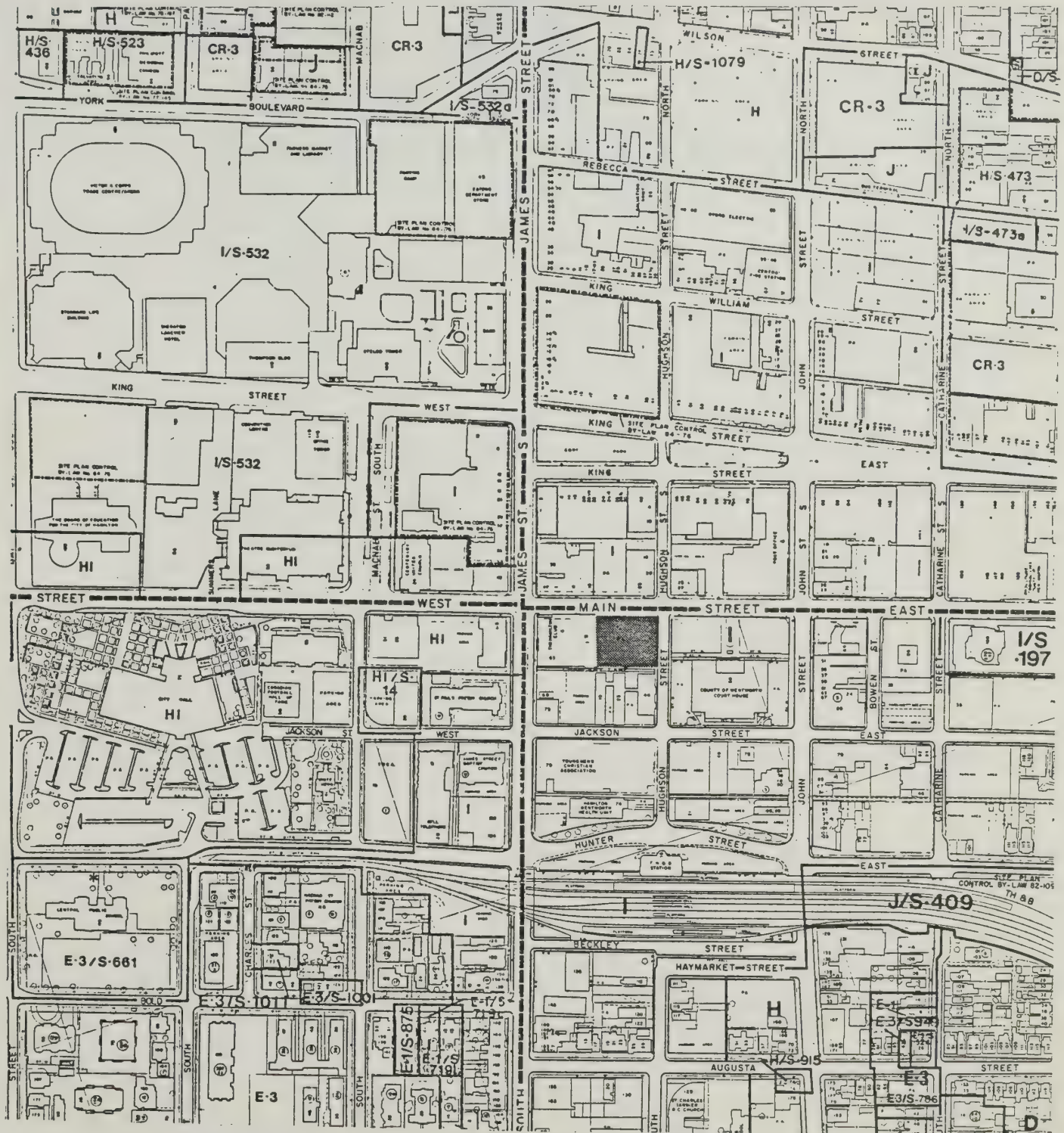
- i) The proposed development provides an above grade, landscaped courtyard surrounded by the residential units. This requires the residential structure to be located as close as possible to the property lines, thus creating a variance to reduce the rear yard setback from 7.5 m to 4.5 m. Since the variance will not adversely affect the adjacent properties and is minor in nature, the variance can be supported.
 - ii) The variance to increase the permitted number of residences from 30 to 72 units can be supported since the project is a mixed development with the majority of the structure providing public parking for 275 vehicles (approximately 12,000 m²) with an additional 58 spaces separately designated for the residential units. The overall mass of the building will not be altered from that permitted by the by-law.
 - iii) Five of the required parking spaces are provided along the southerly public alleyway and therefore, have the manoeuvring on the alleyway instead of on the subject property. The variance is minor in nature and can be supported.
 - iv) The proposed commercial/office area of approximately 3,100 m² requires two loading spaces of 18 m x 3.7 m and the residential component requires one loading space at 18 m x 3.7 m. Due to truck access, restrictions from the municipal streets, lot location, and structure limitations, the proposed reduction of the number of commercial loading spaces from 2 to 1, the size reduction from 18 m x 3.7 m to 9 m x 2.6 m and the residential loading space reduction in size from 18 m to 9.0 m, can be supported.
 - v) A variance dealing with the reduction of the size of the required parking spaces from 2.7 m x 6.0 m can be supported due to the structural requirements of the building. The structural columns reduce nine parking spaces to 2.6 m x 5.0 m and the remainder to 2.6 m x 5.8 m. It should be noted that the restrictions are only at the columns and the actual dimensions are slightly larger.
 - vi) A variance is also required to permit the required visitor parking area to be located in the public parking area section of the structure. Since the variance is minor in nature and public parking is within the same structure, the variance can be supported.
- (c) Both the Traffic Department and Engineering Department have noted concerns for technical features dealing with turning radii, visibility for motorists and pedestrians, and column locations. A revised site plan dealing with these specific features should be resolved to the satisfaction of the Director of Traffic Services and the Commissioner of Hamilton-Wentworth Engineering Department. Any minor changes to the appearance of the building should be to the satisfaction of the Director of Local Planning, Planning and Development Department.

- (d) Since the building provides a 3 m wide setback along the ground level adjacent to Main Street East, provision should be made in the westerly structural wall to permit the continuation of the walkway should redevelopment to the west occur.
- (e) Landscape and grading plans should be submitted to be included in the final plans to the satisfaction of the Director of Local Planning and the Commissioner of the Hamilton-Wentworth Engineering Department.

CONCLUSION

On the basis of the above-noted comments, the proposed development can be supported.

JPS:s
0390P



Durand No. 41

Corktown No. 31

City of Hamilton
Plan Showing
Lands Subject to

Site Plan Control Application DA-88-136

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North	Scale 1:5000	Reference File No. DA-88-136
	Date December 16, 1988	Drawn By F.V.

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



Urban Municipal Librarian
Central Library

GOVERNMENT DOCUMENTS
OCT 6 - 1989
CITY HALL
HAMILTON, ONTARIO
M7N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 October 5th

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. G. S. Spencer, Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Mr. R. Karl, Traffic Department
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, 1989 August 16th.

These minutes were approved by the Committee at its meeting held Wednesday, 1989 September 27th.

Yours very truly,

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

SKR:dbm
Atch.
c.c. ' -

- Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
- Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. T. Cupido, Superintendent of Plant, Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Mr. P. Hill, Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistician, Oshawa Foods

Wednesday, 1989 August 16
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman H. Merling
Alderman B. Hinkley
Alderman D. Christopherson
Alderman W. McCulloch

Regrets: Alderman M. Kiss - Bereavement
Alderman D. Ross - Vacation

Also present: Alderman D. Agostino
Alderman T. Cooke
Alderman D. Drury
Mr. V. Abraham, Director of Local Planning
Mr. B. Allick, Building Department
Mr. A. Harvey, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. M. Watson, Manager, Real Estate Division
Ms. J. McNeilly, Community Development Department
Mr. D. Pickard, Building Department
Mr. J. Ross, Community Development Department
Mr. P. Mallard, Planning Department
Mr. J. Lakatos, Planning Department
Mr. W. Wong, Building Department
Mr. R. Karl, Traffic Department
Mr. K. Brenner, Regional Engineering Department
Mrs. C. Floroff, Planning Department
Mr. N. Catalano, Economic Development Department
Ms. L. Lawrence, City Solicitor's Office
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday, 1989 June 14 and agreed to APPROVE these minutes.

Minutes - 1989
June 14.

The Committee was in receipt of a report from the Deputy Building Commissioner dated 1989 August 10, respecting Demolition Permit Applications.

Demolition Permit
Applications.

The Committee APPROVED the following:

That the Building Commissioner BE AUTHORIZED to issue demolition permits for the following properties:

- (a) 1317 Upper James Street
- (b) 260 Victoria Avenue North
- (c) 262 Victoria Avenue North
- (d) 9 Limeridge Road West
- (e) 114 Graham Avenue North
- (f) 27 Delena Avenue South

The Committee was in receipt of a report from the Building Commissioner dated 1989 July 13, respecting property at 122 Harmony Avenue.

Unsafe single family
dwelling - 122
Harmony Avenue.

The Committee APPROVED the following:

- (a) That the Building Commissioner BE DIRECTED to enforce an Order dated 1989 May 19, requiring the demolition of the unsafe single family dwelling at 122 Harmony Avenue.
- (b) That the City Solicitor BE AUTHORIZED to prepare a By-law for the demolition of this property.

NOTE: The cost of the demolition, together with administration costs of both the Real Estate Department and the Building Department will be added to the tax roll, to be collected in a like manner as municipal taxes.

The subject building is a one storey frame dwelling with a stucco finish. The main portion of the building had a concrete block foundation wall. The south foundation wall has been pushed in for an approximate length of 11' near the west corner. The wood frame porch is in a progressive state of collapse.

The hydro and heating systems have been disconnected.

The owner of this property is now deceased, the property is in tax arrears, a tax arrears certificate has been issued, and the one year redemption period expired on 1988 August 5.

Appointment of
Inspectors under
the Building Code
Act.

The Committee was in receipt of a report from the Building Commissioner dated 1989 August 10, respecting the Appointment of Inspectors under the Building Code Act.

The Committee APPROVED the following:

That the City Solicitor BE AUTHORIZED to amend By-law 87-312 as follows:

- (a) That Section 2(a) be amended by ADDING the name:
Peter Lampman, P. Eng.
- (b) That Section 3 be amended by DELETING therefrom the numeral "6" in the second line, and substituting therefor the numeral "2".
- (c) That Section 6(a) be amended by DELETING the name:
Peter Lampman, P. Eng.
- (d) That Section 7(a) be amended by DELETING the name:
John Spolnik
- (e) That Section 7(a) be further amended by ADDING the name:
Bryan Moon
- (f) That Section 9(a) be amended by ADDING the name:
John Spolnik
- (g) That Section 9(a) be further amended by DELETING the name:
Bryan Moon

NOTE: Due to recent changes in the staff of the Building Department, By-law 87-312 respecting the Appointment of Inspectors needs to be amended to accommodate these changes.

Lot Grading in
Established Areas.

The Committee was in receipt of a report from the Building Commissioner dated 1989 July 19, respecting Lot Grading in Established Areas.

Alderman Christopherson expressed some disappointment in this report as he feels there is a need for jurisdiction over Lot Grading in Established Neighbourhoods. Alderman Christopherson outlined the many problems that his constituents face because of this lack of control.

Following some discussion on this matter by the Committee, the following recommendation was APPROVED:

- (a) That the report of the Building Commissioner dated 1989 July 19 BE TABLED and no action be taken on this report;
- (b) That the Building Commissioner BE DIRECTED to contact other municipalities who have been able to control grading in established neighbourhoods to determine how they have implemented such controls; and,
- (c) That the Building Commissioner report back to the Committee on the findings.

It was also suggested at the meeting that the Building Commissioner liaison with Aldermen on the Committee on the findings from other municipalities in order to determine the possible direction that the City of Hamilton would be prepared to go to obtain jurisdiction in lot grading in established neighbourhoods.

The Committee was in receipt of a report from the Director of Community Development dated 1989 July 10, respecting a Designated Property Grant for property at 256-258 MacNab Street North.

The Committee APPROVED the following:

That a Designated Property Grant in the amount of \$250. BE APPROVED to Helen Kirkpatrick and Thomas Baker, 256-258 MacNab Street North, Hamilton.

The Committee was in receipt of a report from the Director of Community Development dated 1989 August 9, respecting the City of Hamilton Heritage Programme for a Community Heritage Trust Fund Loan for property at 151 St. Clair Avenue.

The Committee then APPROVED the following:

That a Community Heritage Trust Fund Loan in the amount of one thousand, one hundred and ninety-six dollars (\$1,196.) and a Designated Property grant in the amount of one thousand, one hundred and ninety-six dollars (\$1,196.) BE APPROVED for 151 St. Clair Avenue, L. Baatz.

NOTE: The interest rate on the loan will be 6 percent, amortized over 10 years.

The Committee was in receipt of a report from the Director of Community Development dated 1989 August 9, respecting the City of Hamilton Heritage Programme and a Community Heritage Trust Fund Loan for property at 233 and 235 Locke Street North.

The Committee APPROVED the following:

That a Community Heritage Trust Fund Loan in the amount of three thousand, eight hundred and seventy-five dollars (\$3,875.) and a Designated Property grant in the amount of six thousand dollars (\$6,000.) BE APPROVED for 233 and 235 Locke Street North, C. Kopriva.

NOTE: The interest rate on the loan will be 6 percent, amortized over 10 years.

The Committee was in receipt of a report from the Director of Community Development dated 1989 July 11, respecting 1988 Annual Audited Statements for the Kirkendall-Strathcona Neighbourhood Improvement Programme/Kirkendall-Strathcona Neighbourhood House (Wesley Urban Ministry).

The Committee APPROVED the following:

That, the Audited Financial Statement and Annual Report for the Kirkendall-Strathcona Neighbourhood House attached herewith and marked Appendix "A", BE APPROVED.

Designated Property
Grant - 256-258
MacNab Street North.

City of Hamilton
Heritage Programme -
Community Heritage
Trust Fund Loan -
151 St. Clair Ave.

City of Hamilton
Heritage Programme
Community Heritage
Trust Fund Loan -
233 and 235 Locke St.
North.

1988 Annual Audited
Statements -
Kirkendall-Strath-
cona Neighbourhood
Improvement Programme
(Wesley Urban
Ministries)

NOTE: Wesley Urban Ministry submits Annual Statements for the Wesley Centre and the subject neighbourhood house inclusive. The City of Hamilton has a "requirements for mortgage/agreement" with the Ministry for the Neighbourhood House only. The Agreement stipulates that the Audited Financial Statements and Annual Report for each year must be submitted to the City of Hamilton for approval.

Mayor Morrow requested an up-date from the representative of the Community Development Department with respect to discussions which are to be held with the staff at Kirkendall Neighbourhood House to determine the changes necessary in the contractual services arranged between the City and Kirkendall to meet the changed needs of the Community.

It was indicated by Ms. McNeilly of the Community Development Department, that she would be pursuing this matter with the staff of the Kirkendall Neighbourhood House.

1988 Audited
Statements and
Annual Report -
St. Matthew's House,
Landsdale Neigh-
bourhood Improve-
ment Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1989 July 11, respecting the 1988 Audited Statements and Annual Report for St. Matthew's House - Landsdale Neighbourhood Improvement Programme.

The Committee APPROVED the following:

That, the Audited Financial Statements and Annual Reports for 1989 for St. Matthew's House attached herewith and marked Appendix "B", BE APPROVED.

NOTE: On 1980, October 20 an Agreement was signed by the Synod of the Diocese of Niagara with the Corporation of the City of Hamilton setting out the terms and conditions of the mortgage of \$240,911. granted for the renovation of St. Matthew's House.

The Agreement stipulates that a per diem rate is earned by the mortgagor until 1989 so long as the other terms and conditions are met. These conditions include the submission of an Annual Report and Audited Financial Statements to the City of Hamilton.

Rental of Property
- 354 and 356
Birch Avenue.

The Committee was in receipt of a report from the Director of Property dated 1989 July 28, respecting the rental of property at 354 and 356 Birch Avenue to Philip Enterprises Inc.

The Committee APPROVED the following:

- (a) That the vacant lots at 354 and 356 Birch Avenue, containing approximately 5,581 square feet, BE RENTED to Philip Enterprises Inc. for parking purposes on a monthly basis commencing 1989 September 1, at a rental rate of \$125. per month, plus taxes estimated at \$900. for 1989.
- (b) That the City Solicitor BE AUTHORIZED to prepare the necessary lease.
- (c) That the Mayor and City Clerk BE AUTHORIZED to execute the lease agreement.

NOTE: Rental Revenue to be credited to Account #CF5590 308 750001.

The above mentioned properties have been purchased by the City of Hamilton in connection with the acquisition of land in the Alpha Enclave (West) Plan I. The lands are to be rented on a monthly basis for employee parking until the assembly of lands in the area are completed.

The Committee was in receipt of a report from the Director of Property dated 1989 July 11, respecting the Re-purchase of Lot 18, Plan M-227, Hamilton Industrial Park #1, (140 Nebo Road).

Re-purchase of
Lot 18, Plan M-227,
Hamilton Industrial
Park #1 (140 Nebo
Road.)

The Committee APPROVED the following:

That an Option to Purchase the lands of Fin-Par Enterprises Inc., Lot 18, Plan M-227, Hamilton Industrial Park No. 1, located at 140 Nebo Road, duly executed on 1989 July 7 by the Vendor, Fin-Par Enterprises Inc. and scheduled for closing on 1989 October 26, BE APPROVED AND COMPLETED.

NOTE: The purchase price is \$85,627.80. The property is composed of a parcel of land located on the western limit of Nebo Road, having a frontage of 200.23 feet by a depth of 433.31 feet/441.89 feet and containing an area of 2.0146 acres.

The acquisition cost is to be charged to Account #RF 45001 25202.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 July 13, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Stoneridge Estates".

Cash payment in lieu
of 5% Parkland
Dedication -
"Stoneridge Estates"

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$20,300. as cash payment in lieu of 5% dedication in connection with "Stoneridge Estates", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Upper Wentworth Street and south of Stone Church Road in the Butler Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 July 31, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Bar-Brock Estates - Phases One and Two".

"Bar-Brock Estates -
Phases One and Two".

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$22,740. as cash payment in lieu of 5% dedication in connection with "Bar-Brock Estates - Phases One and Two", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Eleanor Avenue and north of Rymal Road in the Eleanor Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 July 31, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Wisemount Forest Survey - Phase 5".

"Wisemount Forest
Survey - Phase 5".

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$16,500. as cash payment in lieu of 5% dedication in connection with "Wisemount Forest Survey - Phase 5", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Upper Ottawa Street and south of Landron Avenue in the Lisgar Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 July 31, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Silverton Avenue Subdivision".

"Silverton Avenue
Subdivision".

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$7,500. as cash payment in lieu of 5% dedication in connection with "Silverton Avenue Subdivision", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located west of Upper Ottawa Street and south of Silverton Avenue in the Templemead Neighbourhood, Hamilton.

"Bartonville Court"

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 July 31, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Bartonville Court".

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$11,680. as cash payment in lieu of 5% dedication in connection with "Bartonville Court", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands located east of Kenilworth Avenue and north of King Street East in the Bartonville Neighbourhood, Hamilton.

Status of the
Parklands
Acquisition Fund.

Alderman Hinkley requested information on the status of the Parklands Acquisition Fund and it was indicated to him by Mr. Brenner of the Department of Engineering, that a status report on this matter will be presented to a September meeting of the Parks and Recreation Committee for that Committee's Information.

Demolition
Application -
65 Markland Street.

The Committee was in receipt of a report from the Deputy Building Commissioner dated 1989 August 10, respecting a Demolition Permit Application for property at 65 Markland Street.

Demolition Control
By-law -
65 Markland Street.

The Committee was also in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 9, respecting Demolition Control By-law for property at 65 Markland Street.

Designation -
65 Markland Street.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the Designation of 65 Markland Street.

The Committee was in receipt of a letter of submission from Mr. Russell Elman, Acting President of the Durand Neighbourhood Association Inc., respecting the property at 65 Markland Street.

The Committee was in receipt of a letter of submission from Mr. Robert G. Forsythe, Forsythe Lubrication Associates Limited, 120 Chatham Street, respecting the property at 65 Markland Street.

Mr. Manford Rudolph, Solicitor for the owner of the property at 65 Markland Street, spoke to the Committee and advised that his client is aware of L.A.C.A.C.'s interest in preserving the building at 65 Markland Street and intends to be present at the next L.A.C.A.C. meeting to work with them on this particular issue. Mr. Rudolph requested, on behalf of his client, that the Committee and Council proceed with the process of designating this building.

Alderman McCulloch expressed concerns that the realtors are advertising the building lot on this property illegally. Mr. Rudolph acknowledged the Alderman's concerns.

The Committee then APPROVED the following:

- (a) That APPROVAL be given to the "Intent to Designate" 65 Markland Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked Appendix "C"; and

- (b) That the City Solicitor BE AUTHORIZED and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the Designation of 105 Aberdeen Avenue.

Designation - 105
Aberdeen Avenue.

The Committee APPROVED the following:

- (a) That APPROVAL be given to the "Intent to Designate" 105 Aberdeen Avenue as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked Appendix "D"; and
- (b) That the City Solicitor BE AUTHORIZED and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the Designation of 112 Aberdeen Avenue.

Designation - 112
Aberdeen Avenue.

The Committee APPROVED the following:

- (a) That APPROVAL be given to the "Intent to Designate" 112 Aberdeen Avenue as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked Appendix "E"; and,
- (b) That The City Solicitor BE AUTHORIZED and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the Designation of 260 MacNab Street North.

Designation - 260
MacNab Street North.

The Committee APPROVED the following:

- (a) That APPROVAL be given to the "Intent to Designate" 260 MacNab Street North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked Appendix "F"; and,
- (b) That The City Solicitor BE AUTHORIZED and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 August 2, respecting the Designation of Tivoli Theatre at 108-112 James Street North.

Designation - Tivoli
Theatre, 108-112
James Street North.

The Committee was also in receipt of a letter from Morton M. Smith, Q.C. on behalf of the owners of the property at 108-112 James Street North.

Mr. Smith spoke to the Committee and further to his letter requested that this matter be tabled since his clients have only recently purchased this premise and would like to have an opportunity to discuss this matter further with L.A.C.A.C.'s staff.

The Committee then agreed to TABLE the above-noted matter.

Designation -
Cathedral Boys
High School.

Alderman Hinkley requested a Status on the Designation Process for Cathedral Boys High School. Ms. Ann Gillespie of the L.A.C.A.C.'s staff advised the Committee that this matter is at the research stage.

Proposed new
sign for commercial
property at 712
Main Street East,
St. Clair Heritage
District.

The Committee was in receipt of an Added Item from the Secretary of the Local Architectural Conservation Advisory Committee respecting a Proposed New Sign for Commercial Property at 712 Main Street East, in the St. Clair Heritage District.

Ms. Marie Kachmarsky, new owner of the property was in attendance at the meeting, and spoke to this matter. She also showed an artist's concept of the proposed sign.

The Committee then APPROVED the following:

- (a) That APPROVAL be given for a proposed business sign for Jag Realty Inc., to be erected by the new owner of the commercial property at 712 Main Street East, in the St. Clair Heritage District; and,
- (b) That the sign not exceed 6' x 4' in dimensions.

Standardizing
Heritage Signage.

The Committee further recommended the following:

That the Local Architectural Conservation Advisory Committee BE REQUESTED to discuss Standardizing Heritage Signage for Use on Heritage Buildings and within Heritage Districts.

Shalom Village.

The Committee was advised that Item 15 on their Agenda respecting Shalom Village has been WITHDRAWN.

City-owned lands -
Stoney Creek
Ravine.

The Committee was in receipt of a letter from the Director of Local Planning to Alderman D. Agostino, respecting City Owned Lands - Stoney Creek Ravine.

The Committee APPROVED the following:

That the Planning and Development Committee BE DIRECTED to undertake a City Initiative to Review the Feasibility of Re-zoning the City Owned Lands in the Stoney Creek Ravine from "KK" District to "A" District.

Park Benches on
King Street.

The Committee was in receipt of a memorandum from Alderman T. Cooke to the Secretary of the Committee dated 1989 July 18, respecting Park Benches on King Street. Ms. J. McNeilly spoke on the background to this issue and Mr. Wolfgang Ziegler was in attendance and spoke in favour of having benches re-installed. Alderman Cooke distributed packages of newspaper articles on this particular issue.

Mr. Harris, member of the Beautification Committee for the Downtown B.I.A., spoke and indicated that the group has analysed the use of these benches for one month and conclude that users of benches were those classified as "undesirable". He added that buses are on time and regular and that there is no need for benches. Alderman Cooke then summed up the presentation.

The Committee then discussed this matter and APPROVED the following recommendation:

That park benches BE ALLOWED on the north branch of King Street East, between Hughson and John Streets, particularly at the eastern end of the block, but extending the full block.

Committee of Adjust-
ment decisions re:
Cash in lieu
of Parking Policy.
Cash-in-lieu-of-
Parking - 849
Upper Wentworth St.

The Committee was in receipt of an Information Report from the Co-Ordinator of the Committee of Adjustment dated 1989 August 1, respecting Committee of Adjustment decisions and Cash In Lieu of Parking.

The Committee agreed to LIFT FROM THE TABLE the Cash In Lieu matter on property at 849 Upper Wentworth Street.

Alderman Merling spoke to this matter and advised the Committee that Mr. Delahunty, a Toronto developer was very rude to staff (Planning, Aldermen's office, Economic Development) and accused staff of stalling and asked a Regional Official who to pay to get a Building Permit.

Mr. Scott Henderson, lawyer for the Doctors who own the property at Upper Wentworth Street, indicated that they wish to disassociate their selfs from the remarks made by Mr. Delahunty as they do not in any way reflect their views.

Mr. Dyason, partner with Mr. Delahunty, was in attendance at the meeting and he indicated that his partner spoke in frustration and apologized on behalf of his partner to the staff for Mr. Delahunty's actions and indicated that the statements and allegations made by Mr. Delahunty are totally false.

Alderman Merling demanded that a written apology be sent by Mr. Delahunty to the members of the Planning staff, the Aldermen's office staff and Mr. Catalano, Economic Development Department.

The Committee then discussed the matter of the Cash In Lieu at the property at 849 Upper Wentworth Street. The Director of Local Planning addressed the Committee and presented an alternative that the Committee could consider on meeting the shortfall of 30 parking spaces.

Mr. Roland Karl of the Traffic Department also spoke on the Cash In Lieu of Parking Policy.

The Committee then voted on the following motion:

That the following recommendation to resolve the shortfall of 30 parking spaces in the development of a medical office at 849 Upper Wentworth Street, NOT BE APPROVED;

- (a) That in accordance with the Cash-in-lieu of Parking Policy, the owner of the property at 849 Upper Wentworth Street, be required to pay the City of Hamilton the sum of \$90,000. (which is based on 2/3rd of the total shortfall at \$4,500. per parking spot) for providing 20 parking spots; and,
- (b) That the Planning and Development Committee will not oppose the applicants request to the Committee of Adjustment for a minor zoning variance to accommodate the balance of the shortfall of 10 parking spots; and
- (c) That the City Solicitor be directed to implement the Cash-in-lieu of Parking Policy, and that the said Agreement be entered into upon finalization of Site Plan Control Application DA-89-24.

NOTE: THE ABOVE-NOTED RECOMMENDATION LOST ON A TIE VOTE AT THE PLANNING AND DEVELOPMENT COMMITTEE, AND IN ACCORDANCE WITH CITY POLICY IS BEING FORWARDED TO CITY COUNCIL.

A SPECIAL MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE HAS BEEN SET FOR 5:30 O'CLOCK P.M. ON TUESDAY, 1989 AUGUST 29TH IN ORDER TO COMPLETE THE UNFINISHED AGENDA MATERIAL, AS WELL AS TO RECEIVE INFORMATION REPORTS FROM STAFF, AND THE DEVELOPERS WITH RESPECT TO THE APPLICATION OF THE CASH-IN-LIEU OF PARKING POLICY FOR THE PROPERTY LOCATED AT 849 UPPER WENTWORTH STREET.

The Committee further discussed this matter and Mr. Henderson, lawyer for the Doctors who own the property at Upper Wentworth Street, expressed frustration and anger that he was not allowed to speak. He was then allowed to make his presentation.

Following discussion on this matter by the Committee, it was AGREED that a special meeting of the Planning and Development Committee would be called prior to the next meeting of Hamilton City Council to take place on Tuesday, 1989 August 29, in order to receive information in writing on this matter and to allow the opportunity for further discussion. It was AGREED that this matter would not be reopened for decision.

Site Plan Control
Application DA 89-
58 - 836 Upper
Wentworth Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 21, respecting Site Plan Control Application DA 89-58, for property at 836 Upper Wentworth Street.

The Committee APPROVED the following:

That Section 13 of the Fourteenth Report for 1989 of the Planning and Development Committee to City Council, approved on 1989 May 30th, in regards to Zoning Application 89-20 by Barbara Pinto, M.D., owner of lands at 836 Upper Wentworth Street, BE AMENDED to include the following:

- (a) That notwithstanding Section 18A.(11)(a) & 12(a) the required 1.5m wide landscape strip along the north and south lot lines adjacent to the parking and maneuvering area will not be provided.
- (b) That notwithstanding Section 18A.(12)(c) the required 1.2m to 2.0m high visual barrier fence along the north and south lot line adjacent to the parking and maneuvering area will not be provided.
- (c) That notwithstanding Section 18(4)(iv) the accessory building shall be permitted in the required side yard.

NOTE: The amendments are necessary to delete the required 1.5m wide landscape strip on-site in order to provide the required number of parking spaces within the existing lot width.

Zoning Applications.

The Committee then moved to the City Council Chambers to hear Zoning Applications.

ZA 89-35 - 173
Stone Church Road
West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 31, respecting Zoning Application 89-35, for property at 173 Stone Church Road West.

A lawyer for the applicant was in attendance at the meeting.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-35, Carmelo Chiarelli, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at 173 Stone Church Road West, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at 173 Stone Church Road West.

The effect of the By-law is to create a building lot for a single-family detached dwelling, fronting onto Stone Church Road West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 July 27, respecting Zoning Application 89-43, for property at 1423 Upper Gage Avenue.

ZA 89-43 - 1423
Upper Gage Avenue.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-43, Runad Homes Limited, prospective owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District, for property located at 1423 Upper Gage Avenue, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49C for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (d) That the Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Attached Housing".

NOTE: The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District for lands located at 1423 Upper Gage Avenue.

The effect of the By-law is to permit development of the subject property for six (6) street townhouse dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 8, respecting Zoning Application 89-49, for property at 16-20 Wellington Street North and 15-27 West Avenue North.

ZA 89-49 - 16-20
Wellington Street
North and 15-27
West Avenue North.

Report of the circularization was given as follows:

525 notices sent 22 in favour 2 opposed

Mr. Abbott, 22 Wellington Street North, spoke to the Committee. He expressed concerns about Block 3 of the development regarding the height which he indicated will affect his light exposure. He also indicated that he is concerned about access to alleyways for emergency purposes and also expressed concerns at closed off parking areas. He added that he is concerned at the effects of construction during the developing, i.e. noise and vibration.

Mr. Paul Mallard of the Planning Department spoke to the Committee on Mr. Abbott's concerns.

Mr. Martin Lewis, solicitor for the applicant spoke to Mr. Abbott's concerns.

The Committee then APPROVED the following:

- (a) That APPROVAL be given to Zoning Application 89-49, Trillium Funeral Services Corporation, owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G-3" (Public Parking Lots) District, modified for Block "1", and a modification to the "H" (Community Shopping and Commercial, etc.) District for Blocks "2" and "3" for property located at 16-20 Wellington Street North and 15-27 West Avenue North, as shown on the attached map marked as Appendix "I", on the following basis:
- (i) That Block "1" be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G-3" (Public Parking Lots) District;
 - (ii) That the "G-3" (Public Parking Lots) District provisions as contained in Section 13C of Zoning By-law No. 6593 applicable to the lands shown as Block "1", be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 13C, a three (3) car garage to be used in conjunction with a funeral home on Block "3" shall be permitted;
 - (2.) That notwithstanding Subsection 13C(3)(1) a minimum 3.0m (10 foot) landscaped area, and a visual barrier not less than 1.2m in height and not greater than 2.0m in height within the landscaped area, shall be provided and maintained along the easterly lot line adjoining West Avenue North;
 - (iii) That the "H" (Community Shopping and Commercial, etc.) District provisions as contained in Section 14 of Zoning By-law No. 6593 applicable to the lands shown as Block "2", be modified to provide for the following variance as a special requirement:
 - (1.) That a minimum 3.0m (10 foot) wide landscaped area, and a visual barrier not less than 1.2m in height and not greater than 2.0m in height within the landscaped area, except for any access driveway, shall be provided and maintained along the easterly lot line adjoining West Avenue North;
 - (iv) That the "H" (Community Shopping and Commercial, etc.) District provisions as contained in Section 14 of Zoning By-law No. 6593 applicable to the lands shown as Block "3", be modified to provide for the following variances as special requirements:
 - (1.) That notwithstanding Subsection 14.(1) a funeral home shall be permitted;
 - (2.) That notwithstanding Subsection 14.(3)(i) a minimum front yard depth of 1.7m (5.5 feet) shall be provided and maintained;
 - (3.) That notwithstanding Subsection 14.(3)(i), as amended by (2.) above, a sign shall be permitted in the required front yard;
 - (4.) That notwithstanding 14.(3)(iii)(c) shall not apply;
 - (5.) That notwithstanding Subsection 18A.(9) the required parking space, loading space, and manoeuvring space for the use in (1.) above, may be provided and maintained on the lands shown as Blocks "1" and "2".

- (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1135, and that the subject lands on Zoning District Map E-13 be notated S-1135;
 - (vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;
 - (vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (viii) That the Landsdale Neighbourhood Plan be amended by redesignating the lands shown as Block "1" from "Medium Density Apartments" to "Commercial".
- (b) That By-law No. 79-275 as amended by By-law No. 87-223 establishing Site Plan Control, BE AMENDED by adding the lands shown as Blocks "2" and "3" to Schedule "A".
 - (c) That the amending By-law NOT BE PASSED by Council until the applicant has applied for and received approval of having the alleyway adjoining Block "3" between Wellington Street North and the north-south alleyway, designated as a one-way alleyway eastbound.

NOTE: The purpose of the By-law is to provide for a change and modification in zoning for properties at 15-27 West Avenue North and 16-20 Wellington Street North, on the following basis:

- (a) Block "1" - Change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G-3" (Public Parking Lots) District, modified.
- (b) Blocks "2" and "3" - Modification to the "H" (Community Shopping and Commercial, etc.) District.

The effect of the By-law is to permit the replacement of the existing Robinson Funeral Home located on Block "2", with a new funeral home on Block "3".

The required parking, loading and manoeuvring space for the new funeral home will be located on Blocks "1" and "2".

In addition, the By-law provides for the following variances as special conditions:

- (a) To require a minimum front yard depth of 1.7m (5.5 feet) for the new funeral home adjacent to Wellington Street North (Block "3"), whereas 12.0m (39.37 feet) is required;
- (b) To permit a sign to be located in the required front yard on Block "3";
- (c) To eliminate the minimum required rear yard depth of 4.5m (14.76 feet) for the new funeral home on Block "3";
- (d) To permit a three (3) car garage on Block "1", which is to be used in conjunction with the funeral home on Block "3";

(e) To require a minimum 3.0m (10 foot) landscaped area, and a visual barrier not less than 1.2m in height and not greater than 2.0m in height within the landscaped area, to be provided and maintained along the easterly lot line of Block "1" adjacent to West Avenue North, whereas 4.5m (14.76 feet) is required; and,

(f) To require a minimum 3.0m (10 foot) wide landscaped area, and a visual barrier not less than 1.2m in height and not greater than 2.0m in height within the landscaped area, to be provided and maintained along the easterly lot line of Block "2" adjacent to West Avenue North, except for any access driveway.

Alderman Hinkley added that the developer is very interested in working with the City and Friends of the Park Committee in restoring the Park in front of the property.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 4, respecting Zoning Application 89-36, for property at 1515 Upper Ottawa Street. The staff recommendation was for DENIAL of this application.

Alderman Merling spoke to this matter and indicated that he would be in support of this application if there were modifications to the zoning to allow for the existing video store, variety store and travel agency but not a restaurant.

The Committee then discussed this matter and APPROVED the following revised recommendation:

(A) That Zoning Application 89-36, 658414 Ontario Inc., owner, requesting a change in zoning from an "M-12" (Prestige Industrial) District to "M-11" (Prestige Industrial) District modified to permit the existing video store, the variety store, and the travel agency uses for property located at 1515 Upper Ottawa Street, as shown on the attached map marked Appendix "J", BE DENIED for the following reasons:

(a) That the proposal does not comply with the intent of the Official Plan or the Mountain Industrial Area Plan;

(b) The proposal does not comply with the intent of the "M-12" (Prestige Industrial) District which is to provide for light industrial use and a limited range of non-retail commercial uses;

(c) Approval of the application may encourage similar applications from other properties along Upper Ottawa Street which, if approved, would undermine the industrial designation of the area; and,

(d) There are other locations in the Mountain Industrial Area which are appropriately zoned where the proposed commercial uses would be more appropriately located.

(B) That APPROVAL be given to amended Zoning Application 89-36, 658414 Ontario Inc., owner, requesting a modification to the established "M-12" (Prestige Industrial) District to permit, in addition to other uses under the "M-12" District, a travel agency and variety store, for property located at 1515 Upper Ottawa Street, as shown on the attached map marked as Appendix "J", on the following basis:

(a) That the "M-12" (Prestige Industrial) District provisions as contained in Section 17D of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:

ZA 89-36 -
1515 Upper Ottawa
St.

- (i) That notwithstanding Section 17D(1)(b) the following commercial uses shall also be permitted:

	<u>S.I.C.</u> <u>No.</u>
(1.) Ticket and Travel Agencies	9961
(2.) Other General Merchandise Stores, restricted to:	6413

2.1 A variety Store

- (b) That amending by-law be added to Section 19B of Zoning . By-law No. 6593 as Schedule S-1136, and the subject lands on Zoning District Map E-59D be notated S-1136.
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council.
- (d) The proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "M-12" (Prestige Industrial) District for property located at 1515 Upper Ottawa Street.

The effect of the By-law is to permit, in addition to the other uses under the M-12" (Prestige Industrial) District, the existing travel agency and variety store.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 8, respecting Amended Zoning Application 89-55, for property at 286 Sanford Avenue North.

Amended ZA 89-55
286 Sanford Avenue
North.

Ms. Candy Marsan, representative of Meridian Co-operative Homes was in attendance and spoke on the application.

The Committee was in receipt of a letter of submission from Grace Mancini, 2 Milton Avenue.

The Committee was in receipt of a letter of submission from Mr. G. S. Duffus, Director, Plant Engineering and Environmental Control, Westinghouse Canada Inc.

Mr. Tom Lawrsen, of Westinghouse Canada was in attendance at the meeting and spoke on Westinghouse's concerns at the proposal.

The Committee then discussed this matter respecting the condition that the Ministry of the Environment be required to approve the acoustical study. It was AGREED that the acoustical study be done and that the Ministry of the Environment be requested to expedite the approval of the acoustical study.

The Committee then APPROVED the following:

That Amended Zoning Application 89-55, Meridian Co-operative Homes/Homestarts, prospective owner, requesting a change in Zoning from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to permit the conversion of the existing building to a maximum 74-unit co-operative/non-profit multiple dwelling on lands located at 286 Sanford Avenue North, as shown on the attached map marked as Appendix "A", BE TABLED pending the submission and review of a professional acoustical study to the satisfaction of the Ontario Ministry of the Environment.

ZA 87-58 -
2774 and 2794
King Street East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 3, respecting Zoning Application 87-58, for property at 2774-2794 King Street East.

The owner of property at 58 Monte Drive spoke to the Committee. He expressed concerns at the commercial use of the Donut Shop at the corner which has been very dangerous in generating many accidents. He also added that any further commercial use would only increase the danger.

The owner of 23 Orlanda Street spoke to the Committee and added that the present Donut Shop and Gas Bar on the corner is very dirty and expressed frustration that a "Family" restaurant is really a saloon and can only survive with a liquor licence.

Mr. George Watson, 54 Monte Drive spoke to the Committee and indicated that there are very expensive homes in this area and that the present commercial uses in the neighbourhood are a disgrace. He added that he doesn't feel that the wishes of the people are listened to and he knows that many of his neighbours do not come out to the Committee meeting because they feel it is useless. He added that there is very little green area any more in the area and that developers in the area do not maintain property but wait for the City to do it.

Mr. Tom Cochrane, representative of Cochrane Construction and Mr. Don May, Planning Consultant were in attendance to speak to their application.

Mr. May spoke to the application. He added that he would like an amendment to the recommendation to allow for restaurant use on the second floor only with maximum seating of 100 with no drive-through, no stand-up bar and no dancing.

The Committee then discussed this matter at great length.

The Committee then APPROVED the following recommendation with an amendment to the number of persons on a restaurant to 60 persons with a corresponding maximum square footage of the restaurant.

The Committee APPROVED the following recommendation:

- (A) That amended Zoning Application 87-58, Tommar Construction, owner, requesting a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District provisions to permit a two storey restaurant having a maximum seating capacity of 99 persons and a maximum seating area of 232.2 m² within the proposed shopping centre, for the property located at 2774-2794 King Street East, as shown on the attached map marked as Appendix "K", BE DENIED, for the following reasons:
 - (a) It conflicts with the intent of the approved Gershome Neighbourhood Plan, in that the seating capacity and size of the proposed restaurant is larger than a "family" (neighbourhood based) restaurant envisioned by the Neighbourhood Plan. A 'family' type restaurant is considered to be a sit-down eating establishment having a maximum seating capacity for 60 persons. Furthermore, the proposed restaurant would likely depend on clientele from an area larger than the immediate neighbourhoods.
- (B) That APPROVAL be given to Official Plan Amendment No. 78 to redesignate a portion of the subject lands (Block "2") from Residential to Commercial and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

- (C) That APPROVAL be given to an amended Zoning Application 87-58, Tommar Construction, owner, for a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District provisions, to permit a restaurant having a maximum seating capacity of 60 persons and a seating area within the first floor of the proposed shopping centre, for the property located at 2774-2794 King Street East, as shown on the attached map marked as Appendix "K", on the following basis:

(a) That By-law 86-204, amending Zoning By-law No. 6593, be further amended on the following basis:

(i) That Section 2.(b)(i)(1) be deleted.

(b) That By-law 86-230 amending Zoning By-law No. 6593, be further amended on the following basis:

(i) That Section 2.(a)(ii)(1) be deleted.

(c) That the "G" (Neighbourhood Shopping Centre) District regulations as contained in Section 13 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be further modified to include the following variances as special requirements:

(i) Notwithstanding the provisions of Section 13.(1)(vii), a restaurant shall be permitted, provided that:

(1.) It is contained within the second floor of the building;

(2.) It shall have a maximum seating capacity of 60 persons and a maximum seating area of 111.5m^2 (1,200 square feet); and

(3.) It shall have no drive through facility.

(d) That a minimum 3.0m wide landscaped strip shall be provided and maintained along the entire front lot line except for the access driveways.

(e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedules S-995a and S-996a, and that the subject lands on Zoning District Map E-106 be notated as S-995a and S-996a.

(f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-106 for presentation to City Council.

(g) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area once Official Plan Amendment No. 78 is approved by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of the By-law is to provide for a further modification to the "G" (Neighbourhood Shopping Centre) District provisions for the properties located at 2774-2794 King Street East.

The effect of the By-law is to permit a restaurant provided:

(a) It is located within the second floor of the building.

(b) It has a maximum seating capacity of 60 persons and a maximum seating area of 111.5m^2 (1,200 square feet); and

(c) It does not have a drive through facility.

In addition, the By-law requires a minimum 3.0m wide landscaped strip to be provided and maintained along the front lot line, except for access driveways.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 August 16

The following are the names of the persons who are

interested in the property of the estate of the deceased

and the names of the persons who are interested in the

property of the estate of the deceased

and the names of the persons who are interested in the

property of the estate of the deceased

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